

May 11, 2006



**TRANSCRIPT  
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**PRESENT**

**MONTGOMERY COUNTY COUNCIL**

George Leventhal, President  
Phil Andrews  
Nancy Floreen  
Thomas Perez

Marilyn J. Praisner, Vice President  
Howard Denis  
Michael Knapp  
Steven A. Silverman  
Michael Subin



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1 Council President Leventhal,  
2 We've been on television everyday for the last few weeks and I'm trying to figure out  
3 whether we more closely resemble "Lost" or "24 Hours." We're sort of somewhere in  
4 between one of those options.

5  
6 Councilmember Praisner,  
7 We're "Lost."

8  
9 [LAUGHTER]

10  
11 Council President Leventhal,  
12 But we are back at work.

13  
14 Councilmember Praisner,  
15 Depends upon which actor.

16  
17 Council President Leventhal,  
18 And the matter pending before us first is a special appropriation to the Montgomery  
19 County Public Schools FY '06 Capital Budget, and amendment to the FY '05 through 2010  
20 Capital Improvements Program, \$3.3 million for the Seven Locks Elementary School  
21 replacement. We have a recommendation from the Education Committee, Chaired by Mr.  
22 Subin.

23  
24 Councilmember Subin,  
25 Thank you, Mr. President. The Committee met yesterday afternoon and went over a  
26 number of issues. What we worked off of was a Board of Education resolution that was  
27 passed Tuesday morning regarding Seven Locks replacement. And the resolution  
28 resolved that the Board continue and reaffirm its support to construct replacement school  
29 for Seven Locks Elementary on the Kendale site with a smaller core footprint for 640  
30 rather than 740 youngsters. It resolved that the facility be retained on site and that the site  
31 be retained for, they said administrative or educational purposes, I think the intent of the  
32 Committee was to add community and recreational or educational purposes. And that  
33 would be done through a series of memorandums of understanding that the Board would  
34 have to enter into with the County and any other affected agencies. The issue of  
35 surplusing the property and turning it over to the County was thought, and I agree to be  
36 from the legal standpoint, too risky in terms of what would happen to the property because  
37 they would lose control, and their intent in surplusing the property would only become one  
38 of any number of other requests for that property that would be put into the process. What  
39 the Committee did was add several pieces to that on a 2-1 vote, which would further  
40 address the needs of the Churchill cluster. Because we do very much believe that this has  
41 grown from a 1999 issue involving relief for Potomac Elementary to a cluster issue and  
42 how we address appropriately and evenly the needs of the Churchill cluster. And what we  
43 added to the resolution is our recommendation, was that a boundary study be undertaken  
44 to be completed in time to finally, after seven years, address the overcrowding at Potomac  
45 Elementary, and that those youngsters would go to the replacement school with the Seven



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1 Locks youngsters. There was some discussion about what was called the two-step move,  
2 which would put the children at, under various scenarios, at the current Seven Locks, then  
3 go to Kendale or another replacement school and then back to Seven Locks, or if under  
4 one scenario Bells Mill was to go to the replacement school, that those children would  
5 then go with the Bells Mill children for a year and a half. Bells mill children would leave  
6 and the Seven Locks children would come in. All of that was found to be very undesirable  
7 on terms of stability for the children, and if the children from Potomac were to go to the  
8 Seven Locks site, that would actually put them back a step, because they would be going  
9 from trailers to trailers, from overcrowding to overcrowding and from a school with a gym  
10 to a school without a gym. So, the Committee strongly felt that any kind of two-step move  
11 was very undesirable and should not be done. Along with that, the Committee made as  
12 part of that package that there would be a Little Darlings Feasibility Assessment of  
13 Potomac Elementary. It can be done within the School System another current funding  
14 and in the School System would come back next year with '08 amendments in the '07 to  
15 '12 CIP on what needed to be done to address the needs of Potomac between now and its  
16 modernization, which isn't scheduled for at least a decade. There are currently access  
17 improvements planned or at least studies to do the access improvements, and work being  
18 done for the planning to fix up the bathrooms at the school. The study would then look  
19 beyond that to see what else was necessary and what else could be done. As an action  
20 aside from this resolution, which passed 2-1, the Committee on a 3-0 vote pulled that out  
21 also, and said as a separate action, no matter what happens with Seven Locks/Kendale  
22 that that Feasibility study would be under taken. Similarly, with Bells Mill Elementary, it  
23 has become, two things have become clear, that Bells Mill has the high overcrowding of  
24 any school in the County, needs to be addressed as soon as possible, and while they are  
25 in the current MODs program, their modification is not scheduled to go until, start in '09.  
26 And be completed in '11 and the Committee felt that given the ability to get into  
27 Grosvenor, that we could expedite the Bells Mill modernization by one year. That was,  
28 again, by 2-1 vote made a part of the resolution but then also as a separate action pulled  
29 out and so on a 3-0 vote, that is separate and apart from what happens with the  
30 replacement school that the Bells Mill modernization should be accelerated by one year. If  
31 it's not and there's no resolution to the Seven Locks/Kendale issue, then there's even a  
32 possibility that that modernization may end up being delayed a year. Because of the way  
33 the holding schools and everything else would fall out. We also said that the way side  
34 addition to proceed on schedule. That the Beverly Farms addition should proceed on  
35 schedule and that the School System should reassess the position of holding schools so  
36 that they are as habitable as other schools at this point. So, that was on the 2-1 vote. Mr.  
37 President, which assumed the additional monies that would be necessary in a special  
38 appropriation. There were, there is a question on just what would be necessary with the  
39 scale-back from the 740 to the 640. It appears that the system would only need 2.5  
40 instead of 3.3 million. There are scenarios where under some of the other options that are  
41 available, if the school were to undergo a modernization on the Seven Locks site that it  
42 would be more than the 3.3. In fact, I think the lowest number would then be 5.5 because  
43 of the additional costs as detailed by the Task Force. So, that is the summary of the  
44 actions taken on Seven Locks by the Committee yesterday. There were discussions  
45 surrounding legal issues. There was a discussion on whether the Board has moved or not.



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1 Clearly the resolution that came to us and the possibilities that it explicitly opened up did  
2 show that they had modified significantly their original position. Now, I will leave it to  
3 others whether they judge that to be sufficient movement or not. But, but this is a far  
4 broader resolution of the Churchill issues than we had before. Again, one of the underlying  
5 issues that the Committee found was that the Potomac Elementary issue has been on the  
6 books for seven years now. There has been no resolution and I think all the Committee  
7 members, no matter where stood on the other issues, felt that it's time. It's time to put that  
8 issue to rest and address what is happening there. What the Committee's action does, the  
9 Committee majority believes, is addresses the greatest number of issues for the greatest  
10 number of children in the shortest period of time. And that is the issue. I think we cannot  
11 lose sight of the fact that this is about children, it's not about adults. It's not about who has  
12 more authority and who has more power. It's about children. And I think we all need to  
13 keep that very clearly in front of us. [INAUDIBLE] I'm prepared to answer any questions.

14  
15 Council President Leventhal,

16 Okay, let's go ahead, what I'd like to suggest is the following, let's see if Councilmembers  
17 have questions for the Education Committee Chairman. I would like to ask Kathleen  
18 Boucher to walk us through her memo regarding some of the legal issues, what we do and  
19 perhaps don't have the ability to do this morning. But the Chairman has offered to make  
20 himself available for questions so we will entertain those and I actually have one. We've  
21 heard a lot of talk about the queue, I'd like to get an understanding from whomever is in a  
22 position...

23  
24 Councilmember Subin,  
25 I can do that...

26  
27 Council President Leventhal,

28 Let me ask the question, if I could, Mr. Chairman. With respect to the Committee's  
29 recommendation, well actually, two questions. First of all, we had a Task Force of School  
30 System staff and County Council staff that met for several weeks and developed eight  
31 options. The School Board made two of those options available for public hearing. The  
32 County Council held a hearing on all eight of those options. I don't actually recall the  
33 construction of the Kendale School, the acceleration of Bells Mill and the Little Darling at  
34 Potomac among those options was there a hearing on the recommendation of the  
35 Education Committee? Has the public had a chance to weigh in on this scenario reported,  
36 recommended to us by the Education Committee?

37  
38 Councilmember Subin,

39 No, no and no. We did have representatives from the various PTAs addressing these  
40 issues yesterday afternoon.

41  
42 Council President Leventhal,

43 Okay, so, after about 60 to 80 days of work by the Task Force, the Task Force never  
44 actually looked at the option recommended yesterday by the Committee. And after three  
45 nights of public hearings on the County Council and one night of hearings before the



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1 School Board, the public actually hasn't had a chance to weigh in on the recommendation  
2 of the Education Committee. Am I missing anything?

3  
4 Councilmember Subin,

5 No, you're, well, there are some points, yes there are pieces of the Board action that had  
6 they taken on Tuesday, that would have set off a number of process issues in which we  
7 could not have discussed them today. Had the Board recommended the acceleration of  
8 Bells Mill, then, in fact, they would have had to advertise the amendment, which would  
9 have been a couple of weeks, hold a hearing, send it over to the Executive, send it over to  
10 us. We would have had to have had then advertise and we would have had to hold a  
11 hearing, which effectively, from a time perspective, probably would have canceled out any  
12 time advantages to do that. On the Little Darlings Feasibility Study, the School System  
13 has several pots of money in which it can undertake whatever Feasibility studies,  
14 engineering studies that it sees necessary and doesn't need an additional appropriation to  
15 do that. The assumption in that pot of money is that there will be emergent issues at any  
16 time. The public hearing on the result of that would have been as part of the... assuming  
17 that they found issues that needed to be addressed at Potomac, that would have come in  
18 as part of the '08 amendments to the '07 and '12 CIP, in which case everybody would  
19 have had the opportunity to address those specifics, but the study itself does not require  
20 additional money and they can do that on their own.

21  
22 Council President Leventhal,

23 Has the School System made some sort of offer to the Potomac community that it might  
24 get a Little Darling addition in return for its support for the closure of Seven Locks and the  
25 construction of Kendale?

26  
27 Councilmember Subin,

28 No, no, Mr. President, no. That was my idea. There were no trade-offs, there no promises,  
29 nothing. If there's any attempt to try to find a conspiracy theory, it's, it's not going to work.  
30 That was my idea based on a paper that I wrote, I believe in 2002, to address the problem  
31 of schools whose modernization were not even on the current mods list, were on the  
32 future mods list, but needed significant work or additions and said that there's not enough  
33 money to do everything and was a way to look at getting things done without making a  
34 school like Potomac, which is the poster child was farmland and the poster child is now  
35 Potomac of the system not being totally able to gear up to address the needs of a facility.

36  
37 Council President Leventhal,

38 Maybe the school system could answer my question. Have there been any meetings,  
39 maybe the President Haughey could answer the question. Have there meetings in the last  
40 few weeks between community Superintendent and the Potomac PTA in which it was  
41 suggested that if the Potomac PTA reversed its support and took a position in favor of the  
42 Kendale School that in return it might get a better facility for Potomac. Have there been  
43 any conversations like that? Do you want to come up to the microphone please President  
44 Haughey?



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1 Dr. Charles Haughey,

2 Good morning, everyone. To my knowledge there's been no such discussion, I have not  
3 heard that from staff or from the community.

4  
5 Council President Leventhal,

6 Is it possible that a meeting took place that you don't have knowledge of? I mean to your  
7 knowledge covers a lot. There's a lot of thing that go on in County Government that I don't  
8 have knowledge of.

9  
10 Dr. Charles Haughey,

11 That's the case, in this case I don't know what I don't know.

12  
13 Council President Leventhal,

14 Okay.

15  
16 [LAUGHTER]

17  
18 Councilmember Praisner,

19 Good, Charlie!

20  
21 Council President Leventhal,

22 Okay.

23  
24 Councilmember Praisner,

25 Good point!

26  
27 Dr. Charles Haughey,

28 Anymore, right.

29  
30 Council President Leventhal,

31 Okay, I mean we, before this Council now, in the last few months, we've had three  
32 different positions from the Potomac Community. I guess my question is I'd really like to  
33 know from the School System, whether an offer was made by school Systems staff,  
34 President Haughey you said to your knowledge. Can we absolutely take it for certain that  
35 there was no discussion between School System Staff and the Potomac Community in  
36 which it was suggested that if the Potomac community came out in favor of the Kendale  
37 construction, that in return the School System would make available funds for a little  
38 darling modernization, is it absolutely the case that no such conversation took place?

39  
40 Dr. Charles Haughey,

41 I believe I can only respond to what I know of as the Board President...

42  
43 Council President Leventhal,

44 Well who, Is there anyone else who might know whether any such conversation took  
45 place?





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Councilmember Subin,

Mr. President, I can address that last issue. I was invited to the Potomac Elementary PTA meeting on Monday night. The resolution that they sent out was very narrowly tailored as a response to the school, to the proposal that was going before the Board Monday morning or Tuesday morning, I'm sorry. It was and the membership was very clear that that's all it was, was a response to what was on the table from the School System. I am the one who raised the issue with the Board and with the Superintendent that regardless of what happened is that this assessment needed to be done. That and we specifically took this we didn't, I specifically agreed with the motion and I believe Mr. Knapp made yesterday afternoon to treat this as an issue separate and apart regardless of what happened to the replacement school so that the two issues were separated if the replacement school goes ahead, the... Committee action was recommending, or requesting that the study be done. There is a separate Committee action, separate and apart, independent of the replacement school to go ahead with the assessment. And it was the same with Bells Mill. The Committee took two actions. One in which there was a broad action that folded the two pieces into the replacement school. The second action made them separate so they are completely independent. And one does not depend on the other. No deals were cut. No conspiracies occur.

Council President Leventhal,  
Vice President Praisner?

Councilmember Praisner,

Thank you very much. I accept the Committee Chair's comments about his attendance and his interest over the years. Mr. Subin has looked very creatively to try to respond to a myriad of issues, but my question, Mr. Haughey, does not relate to Mr. Subin's meeting or Mr. Subin's attendance or invitation. We all, as elected officials, get invitations from PTAs all the time. We may or may not participate in programs or we may or may not comment. We may have, may come with whatever is the request of that PTA. My question relates to information we received through the public hearings process. And that is that in March, not May, not April, but March, Mr. Kelsch, who is an MCPS official, attended the Potomac PTA meeting and it is, we are told, our understanding, or at least mine, that he offered MCPS CIP money to Potomac for school renovations with the implication that that was in exchange for obvious modifications to the position of the communities at that time. If that is true, I want to know if the School Board directed Mr. Kelsch to go.

Dr. Charles Haughey,

Not only did the Board not direct anything of the sort, but I can speak only for myself. I don't believe the School Board had any, any knowledge of this discussion. This is something I have not heard about until this morning.

Councilmember Praisner,

Well, it just relates to what we have heard, I know there was School System staff at the public hearing. So, perhaps they haven't conveyed that piece, or it was a passing



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1 comment perhaps. My concern relates to not just the Churchill cluster because obviously  
2 that's what we've spent hours about, but my concern is a facility policy process that seems  
3 to suggest that we are now going to make recommendations for individual schools beyond  
4 the, or in the broad cluster, which appeared to be outside the Facility Planning process,  
5 and the engagement of the entire Facility Policy for both looking at emergency situations  
6 in one period with a public hearing on those by the Board and then in November  
7 timeframe and September to November timeframe. So, I know the Board of Education has  
8 changed their facility policy and a lot of it is now associated, not in the policy, but at the  
9 direction in regulation, which means it can be more intensely monitored by staff and not  
10 the Board. I wonder, what change in policy has directed the School System to start an  
11 engagement that identifies a myriad of additional Capital Projects outside of the Facility  
12 Planning process.

13  
14 Dr. Charles Haughey,  
15 There is someone behind me who is more...

16  
17 Councilmember Praisner,  
18 No, I'd rather ask the Board, because you're responsible, and no, I don't want the Vice  
19 President, I'm asking you. You're the spokesperson for the Board of Education. You're the  
20 President. I want to know if we've modified the facility policy such that you're adding  
21 additional opportunities for some communities to get additional capital budget decisions  
22 and thank you, Ms. Cox, but I really don't want to hear from you. I want to hear from Mr.  
23 Haughey.

24  
25 Sharon Cox,  
26 I understand [INAUDIBLE].

27  
28 Council President Leventhal,  
29 You haven't been called on, Vice President Cox. So, what we will do is the President will  
30 call on Councilmembers, Councilmembers will ask questions and Councilmembers will get  
31 responses from those for whom they've asked the question. So, speakers will be called on  
32 and speakers will address the Council when they're called on. Ms. Praisner has the floor.

33  
34 Councilmember Praisner,  
35 Yes, my question relates not to this issue, but to the broader policy and the Board of  
36 Education's decision, or lack thereof to modify its facility policy to now identify additional  
37 modifications for some schools while ignoring all the other clusters.

38  
39 Dr. Charles Haughey,  
40 Let me directly answer that as succinctly as I can, no, we have not.

41  
42 Councilmember Praisner,  
43 So, any suggestions for modernizations or additional facility changes for any other  
44 schools, including Bells Mill jumping the queue, or Potomac getting any additional  
45 changes is not anything that the Board of Education would entertain at this point.





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1 Dr. Charles Haughey,

2 When we opened up the last hearing on facilities, we were looking expressly at the two  
3 alternatives, the closed school alternative and the alternative which wound up as our  
4 recommendation to you. In the course of hearing that testimony, there were a number of  
5 comments from the Bells Mill community, speaking to the issue but including their  
6 concerns that they had a specific and intensifying problem, a health issue, a safety issue,  
7 if you will, and...  
8

9 Councilmember Praisner,

10 As I understand, I'm sorry, go ahead.  
11  
12

13 Dr. Charles Haughey,

14 That's what brought that consideration into our discussion and our, really our  
15 recommendation to you.  
16

17 Councilmember Praisner,

18 Well, obviously that issue relates to the appropriation which we've gone through and  
19 associated with as far as replacement of portables that are obviously uninhabitable.  
20

21 Dr. Charles Haughey,

22 Yes.  
23

24 Councilmember Praisner,

25 I don't think anyone opposes or questions that issue. But when you start to talk about  
26 facility improvements to a school, or changes in the time when a school will be addressed,  
27 the problem I have and I have to tell you, I met with in just a regular scheduled meeting  
28 with folks who do not live in the Churchill cluster, but obviously have children in their in our  
29 schools, and are watching from other clusters, who wonder why and how we now have a  
30 new policy for facilities that suggest that you just come in and ask and then some deal will  
31 be cut.  
32

33 Dr. Charles Haughey,

34 They can be reassured that we do not have a new policy and that the extensive hearings  
35 on the Seven Locks/Kendale replacement has led to a lot of testimony that probably would  
36 not have surfaced in the ordinary course of...  
37

38 Councilmember Praisner,

39 Well then let's hold a hearing for the rest of the County to come in with testimony in  
40 conditions in portables and overcrowded and jumping the queue.  
41

42 Dr. Charles Haughey,

43 And jumping the queue is not something that is acceptable to me, nor do I believe to other  
44 Board Members. The question is how do we define jumping the queue.  
45



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1 Council President Leventhal,  
2 How do we define jumping the queue? What is the definition of jumping the queue?

3  
4 Multiple Speakers,  
5 [INAUDIBLE]

6  
7 Councilmember Subin,  
8 Jumping the queue is you come off, you go in front of other folks in the action that is taken  
9 delays somebody else. Simply coming in and, if you're going to do that, and take that  
10 policy, then Seven Locks jumped the queue and I would submit to you that Seven Locks  
11 did not jump the queue, because they were taken off the queue list and their movement,  
12 the proposed movement to Kendale was not anybody else's expense or delay. It was an  
13 opportunity take them off the list and address their issues and Potomac's issues earlier  
14 than otherwise would have. You need to do two things to jump the queue. Move up in line  
15 and delay somebody else and do it at somebody else's expense. Seven Locks did not do  
16 that the suggestion of moving Bells Mill did not do that. All of which were undertaken  
17 under the umbrella of how do you equalize the population in the Churchill cluster, which  
18 led from one discussion to another to another.

19  
20 Council President Leventhal,  
21 Okay, I realize I'm guilty, as well. But we are going to have members seek recognition by  
22 turning on their lights and then speaks when recognized by the Council President. If we,  
23 unfortunately there isn't any other way to manage it other than to just have one speaker at  
24 a time and speakers recognized by the Council President. Mr. Perez?

25  
26 Councilmember Perez,  
27 I'm processing Mr. Subin's answer and your answer. Are you saying that Bells Mill, this  
28 proposal does not involve any queue-jumping, Dr. Haughey, in your opinion?

29  
30 Dr. Charles Haughey  
31 As I construe it, it does not involve queue-jumping. No one loses and an emergency  
32 situation is addressed. Everybody else remains on scale, on schedule, on queue.

33  
34 Councilmember Perez,  
35 Four years ago I was in the process of campaigning for the jobs that I have the privilege of  
36 currently holding, and I spent a lot of time with the Kensington Parkwood Community.  
37 They had a horrible facility situation there and we were working hard to try to address it.  
38 Terrible fact score, toured the school, toilets that were unsanitary, the whole nine yards.  
39 And the answer I got about whether we can hasten the modernization was it's a terrible  
40 situation but we will get to them in due course. And I'm trying to figure out, and I just got  
41 an invitation for their grand opening and I hope I'll see you there. And better late than  
42 never is what we will all utter. And I'm trying to figure out how it is that I explained to the  
43 community there that we were unable to expedite your modernization for a myriad of  
44 reasons. We had budget constraints. It would have been unfair to other jurisdictions, other  
45 schools that also had modernization needs. I'm trying to figure out how I explained to them



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1 that we couldn't do it for you, but will make an exception here and do it for this group. I  
2 haven't yet figured out a rational, accurate answer to that question, of why that situation  
3 should be treated differently/"uniquely." We can all call a situation unique, but it's often a  
4 convenient way to minimize the precedential value of it. So, I'm hoping, Dr. Haughey, that  
5 you can help me provide an explanation to the Kensington Parkwood community as to  
6 why I couldn't jump the queue with them or hasten their modernization.

7  
8 Dr. Charles Haughey,

9 Like you, I will enjoy being at the dedication of the new facility, and like you I was  
10 campaigning for the office that I now hold and visiting Kensington Parkwood and was  
11 appalled by the conditions in which they were operating.

12  
13 Councilmember Perez,

14 And we didn't move them up. As a matter of fact, we moved them back because of budget  
15 constraints.

16  
17 Dr. Charles Haughey,

18 I was campaigning, not sitting at that time, and it's that experience and the experience at  
19 Crest Haven and other schools that has led me to be very sensitive to the level of distress  
20 at which schools operate from time to time. The situation at Bells Mills, is not, I don't want  
21 to describe it as an exception, but the situation at Bells Mills is different in that by taking  
22 action on a new facility in the Churchill cluster were recognizing the need for additional  
23 space and by having, gotten from staff and the community, the reports of unsafe and  
24 healthy conditions at Bells Mill. Our concerns have been heightened. We're looking, there  
25 are several ways to deal with the Bells Mill situation. One of which is to cycle brand-new  
26 portable classrooms in there. Which is maybe acceptable as a solution to us and to the  
27 community but it is expensive solution. What we were looking for in this case, without  
28 violating the, I don't want to, I'm not using that lightly, without violating the stability of the  
29 queue. We were looking for a way to more efficiently deal with the health safety issues  
30 involved in the present Bells Mill's trailers, they had been found to be unacceptable, there  
31 had been proven incidents of disease. And I want to add to that, not only did the Bells Mill  
32 situation intensify our concern about what's happening in the Churchill cluster decisions,  
33 but it's also led to a resolution on the board's part, not a formal resolution, but it's resolve  
34 on the part of the Board and the Superintendent to dispose of as many of those  
35 questionable portable classrooms as we can, as quickly as we can.

36  
37 Councilmember Perez,

38 Are you confident that Bells Mill is the only elementary school with multiportables?

39  
40 Dr. Charles Haughey,

41 I wish I could say yes and the answer is no. I am sure there are others, I'm sure we're  
42 going to be hearing of others, and staff is looking attentively to find situations where...

43  
44 Councilmember Perez,



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1 Are you concerned then that if we engage in a wholesale modernization or whatever the  
2 term, the correct term would be at Bells Mill, that the next moldy portable we find, whether  
3 it's at Crest Haven, whether it's at Rolling Terrace, whether it's wherever, that we need to  
4 then jump that queue and modernize that whole school. I'm trying to figure out, given as  
5 we don't know the universe of the potential problem of moldy portables, it strikes me that  
6 we might be in a better situation to attempt to come up with a general operating principle  
7 that will enable us the flexibility to deal with the entire extent of the problem so that if we  
8 learn about it at Crest Haven, I'd be willing to make, you know, a fairly substantial wager  
9 that Bells Mill will not be the only place where we discover this problem. If common sense  
10 and intuition is a good guide for me. You know, it's something that, I'm just concerned  
11 about the remedy here is going to set a precedent for a remedy at all the other places  
12 where we're going to find and so I'd be curious to get your response to that.

13  
14 Dr. Charles Haughey,

15 First part of the response is that I believe that all members of the Board are much  
16 committed, fully committed to maintaining the security of the queue. We are not  
17 comfortable at all with the idea of bucking, jumping, intruding on the queue. The second  
18 part of the response, I like the term general operating procedure. I think we do need such  
19 procedure, I think we're in a stage now, early stage now of developing one. And I think  
20 that's incorporated in the Superintendent's plan to eliminate half of the temporary  
21 classrooms in a predetermined period of time. I'm not in a position now to talk about such  
22 a plan in any detail. But I'm sure that every Board member knows need one, and I'm  
23 equally sure the Superintendent is committed to providing one.

24  
25 Councilmember Perez,

26 When did the Board first talk about the conditions at Bells Mills?

27  
28 Dr. Charles Haughey,

29 I can only speak more my own recollection in that case, but I... it has been...

30  
31 Councilmember Perez,

32 Maybe I should ask Mr. Hawes...

33  
34 Dr. Charles Haughey,

35 It's been in the last six months, probably the last four months that I became aware of just  
36 how intense that problem was.

37  
38 Councilmember Perez,

39 It's fair that maybe others, when did the Board, or when did MCPS first learn about the  
40 conditions at Bells Mills?

41  
42 Council President Leventhal,

43 You need to, Dick please press your microphone and introduce yourself.

44  
45 Richard Hawes,



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1 Dick Hawes, Director of Facilities for the school systems. This is back around the holidays,  
2 November, December timeframe when it first got reported, or when we got the first reports  
3 that they'd had a continuing moisture problem and that there may be some mold  
4 associated with that. And that's when we started the repair regimen for the relocatable  
5 classrooms over there.

6  
7 Councilmember Perez,

8 A couple of years ago, I had a conversation with, I don't know if it was with you or with  
9 Joe, but I read some reports about Indoor Air Quality issues nationally at portables, and I  
10 asked the question about is this problem we have in Montgomery County schools? Do you  
11 recall that conversation?

12  
13 Richard Hawes,

14 I do recall that conversation.

15  
16 Councilmember Perez,

17 What actions did you take subsequent to that conversation we had regarding indoor air  
18 quality.

19  
20 Richard Hawes,

21 Well we did a couple of things, we put together an IAQ complaint form for schools to send  
22 in.

23  
24 Councilmember Perez,

25 What kind?

26  
27 Richard Hawes,

28 An IAQ complaint form for schools to send in.

29  
30 Councilmember Perez,

31 I'm sorry, I don't know the acronym there.

32  
33 Richard Hawes,

34 Excuse me. The acronym, it's Indoor Air Quality.

35  
36 Councilmember Perez,

37 Oh, okay, I'm sorry. A little slow this morning! Fell off the turnip truck on the way here!

38  
39 [LAUGHTER]

40  
41 Richard Hawes,

42 In conjunction with our indoor air quality teams, we put together a complaint form so that  
43 schools could let us know if they had moisture problems or problems they thought were  
44 leading to IAQ or indoor air quality problems. And we also made our team, you're familiar  
45 with our indoor air quality team, I believe...



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1  
2 Councilmember Perez,  
3 Sure. Good people. I'm very impressed with them.  
4

5 Richard Hawes,  
6 They go out and they develop building maintenance plans and work with the schools to be  
7 sure everything is working as well as it can be. And we sensitize them to the in fact when  
8 they got complaints at schools, they needed to check the portables and not just the Main  
9 building. And we have responded to the IAQ complaint forms, you know, as priorities in  
10 our work order system. And Mr. Haughey mentioned earlier, we are going out now and  
11 assessing all of our relocatable classrooms. We looked at the first batch that we're going  
12 to get rid of this year and decide which ones it send back to the vendors and which ones  
13 were still in pretty good shape to move around or relocate. Now we're going to go look at  
14 the other 550. And so, when we have to make the decision on which ones we're going to  
15 move next year, we'll have good information on that, on that, and it will also let us develop  
16 the database that tells us if we do have other problems at other schools.  
17

18 Councilmember Perez,  
19 How confident are you that the problems uncovered at Bells Mills will be an isolated  
20 incident and that we will not have other similarly hazardous portables elsewhere in the  
21 County?  
22

23 Richard Hawes,  
24 Well, I went back and looked at the database, our IAQ complaint database. We don't have  
25 a lot of complaints from portable classrooms. However, that doesn't mean there aren't  
26 some out there. Typically what happens is you get a moisture problem, get mold growth  
27 and it may not be noticeable. They don't realize until you do a thorough inspection of the  
28 units. So, I can't say that we don't have problems elsewhere, but I also wanted to bring up  
29 one issue that I think folks need to focus on, and that is the Bells Mills issue is more a  
30 utilization issue. They are 50% over utilized. We think we've got their portables fixed to the  
31 point that they're okay to use. The problem is every time they have a problem with a  
32 portable, they don't have any way to deal with it. So, the portable situation this past year  
33 exacerbated their over utilization issue.  
34

35 Councilmember Perez,  
36 Okay. Thanks, Dick, I appreciate those explanations. I'm still at a loss to explain this  
37 situation to my friends at Kensington Parkwood and I know I will get asked the question  
38 when I go there for the, for that wonderful dedication. And I don't feel sufficiently armed to  
39 be able to explain to them how we treat this situation differently and I'm, and I'm equally  
40 concerned, in light of, I think what you gave is a very forthright answer. If we're going to  
41 set up a rule that says every time there's a problem with portables, we're going to look at  
42 the entire school physical plant, then we may be setting ourselves up for some wholesale  
43 rethinking of our queue and how we're doing this. Because I think you're right to be  
44 cautious about promising that this is going to be an isolated incident. These are some of  
45 the conundrum we have to confront.





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1  
2 Dr. Charles Haughey,

3 May I add, we recognize that the grounds have changed. The, what was the term?  
4 Operating principle. The problems with the portables quite likely do present us with a need  
5 to develop a somewhat different approach than we've taken in the past much we are  
6 scrambling now to accommodate what's come up to be a serious immediate problem at  
7 Bells Mill and that scrambling is reflected in the discussion of the Board at our last meeting  
8 and the recommendations before you.

9  
10 Councilmember Perez,

11 One thing I'd be curious to look into, I have a colleague at Maryland Law School who is a  
12 Bells Mill parent. My recollection in talking to her is that they had been attempting to bring  
13 the problem to people's attention for quite a while and I, I don't know when it was, but I  
14 think we ought to in terms of our own learning, conduct an examination of when it was first  
15 brought to your attention. I'm not disputing anything you've said, you're exceedingly, I love  
16 Dick and Charles, you know, you're good people. But sometimes complaints don't  
17 percolate up the chain of command when you have a large bureaucracy. Because it is my  
18 understanding that this issue has been brought to folks' attention. I don't know who, for  
19 quite a while.

20  
21 Dr. Charles Haughey,

22 I think you're right. They reported maintenance issues at the school year. They were  
23 handled as routine maintenance issues. It really didn't come to, it didn't percolate up the  
24 chain of command until the November/December timeframe, and in fact, that's when the  
25 Board started getting e-mails from correspondence. So, it did, you'd asked what the Board  
26 was aware of it.

27  
28 Councilmember Perez,

29 Fair enough. Maybe I asked the wrong question.

30  
31 Dr. Charles Haughey,

32 It did start, they got routine maintenance work orders in right before school started and  
33 tried to deal with that over the first couple of months over the school year, routinely,  
34 basically.

35  
36 Councilmember Perez,

37 Okay, thank you. Thank you, Mr. President.

38  
39 Council President Leventhal,

40 Mr. Knapp.

41  
42 Councilmember Knapp,

43 Thank you, Mr. President. This has been an interesting issue to watch and [INAUDIBLE]  
44 to participate in, and it's created a fair degree of high political theater, but primarily I think  
45 because lots of folks have drawn lots of lines and so we're kind of stuck trying to figure out



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1 who's going to win or lose, as opposed to actually figuring out how we're going to get  
2 ourselves out of the box. I came to yesterday's Committee with, and I said this, I really  
3 didn't have any dog in the fight. I had no preconceived notion as to where anything is  
4 going or where it's not going. Council President talked about the Task Force and there  
5 were a number of options that were brought forward by the Task Force, which, at least the  
6 practice in my relatively short time on the Council, is a good, good starting point, but rarely  
7 have we done anything that has been confined to just the options in front of us. It usually  
8 identifies a variety of pieces that we then try to mix and match to get to some end point.  
9 And so, certainly from my perspective, that's the direction which we were going. My  
10 approach yesterday was to ask a series of questions, and for those there, it was really try  
11 to, I think they can speak to that, I was just trying to understand the issues in front of us.  
12 But one of the things that struck me was, in the packet, Keith had outlined option no. 7.  
13 Which, I don't know any deals or issues or any conversations anybody may or may not  
14 have had. I read Keith's packet and looked at option 7. So, I started to peruse that a little  
15 bit and figure out where that could take us to. And so that was really the premise for the  
16 discussions and the questions that I was asking. The things I liked about option 7 was, is  
17 coming from a business background. It's trying to get past the politics and figure how we  
18 get this done. The challenge has been recognizing that we're down a road, we can talk  
19 about lots of other pieces, is this right, is this not right? I don't know. We're going to have  
20 to look at that when we get there. With this situation we've had, I don't know, 120 people  
21 testify, nine hours of testimony, however many discussions, we've done lots of stuff, lots of  
22 people are very committed. And so really, we've got to figure out how to get out of this box  
23 and are there problems with other schools? Undoubtedly and I've got a lot of them, too.  
24 And so I want to make sure we focus there, but we still have to figure out how to get out of  
25 this box and how we move forward, and so that was really the premise from which I  
26 approached yesterday. How do we move forward off of this situation? And when I looked  
27 at the packet, and looked, if you look at the Committee packet yesterday, we had four  
28 potential Council actions in front of us. Approve the MCPS request, deny the MCPS  
29 request. Deny, we had one, approve the MCPS request and three effectively deny the  
30 MCPS requests. As I looked at it all four of those are effectively dead in the water, you're  
31 at a stalemate at every single one. So, whether you voted for Kendale or didn't vote for  
32 Kendale was almost irrelevant. So I did that in the hopes that if we actually had enough  
33 votes to do there, maybe it would move forward so we could actually get off the dime in  
34 that direction, but I wasn't overly optimistic, and I don't think that will be the case today.  
35 We'll see, time will bear that out. So, If you end up one, two, three, and four, which are the  
36 potential Council actions in front of us, all as a stalemate, what do you do? So you get  
37 back to Keith's option number 7, which is effectively what the Education Committee  
38 reported out yesterday. All things being equal, would I want to accelerate Bells Mill or  
39 jump queues or get into the whole other policy discussion? No, creates a whole bunch of  
40 issues, but we're down that road. So, whether I like it or not, those are the pieces in front  
41 of us to try to address. If you look at the issues that need to get checked off for us to move  
42 forward, you've got Bells Mills portables overcrowding and a modernization coming up.  
43 You've got Wayside Beverly Farms with additions in modernizations. You've got the  
44 expansion, modernization of Seven Locks, and you've got overcrowding at Potomac. At  
45 least if you look at Keith's option number 7, we get most of the pieces moving forward.



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1 You do Bells Mill, you get Wayside Beverly Farms aren't impacted. Potomac, you address  
2 the overcrowding issue, and you've got Seven Locks, which effectively we will have  
3 punted on because we will have pushed out the decision. You will end up with a stalemate  
4 here or as Keith outlined in his recommendation, you just push it back to 2011 and we  
5 make this decision next year or the year after. I'm not a big fan of putting off a decision,  
6 but if that's where we are, that's where we are. We end up a stalemate or put off the  
7 decision, we're effectively at the same point. And so, what I think we ought to be thinking  
8 about today is rather to try to see who is where, and who is on what side, and how do we  
9 show that we're on the right side or the wrong side? I don't care. Let's figure out how we  
10 begin to address this cluster's overcapacity issues, get the renovations moving that need  
11 to get moving, and let's get on to the next issues that are in front of us. But I think that's  
12 where we need to get to. And at the appropriate time, if people want to do that, I will make  
13 the motion that we actually, I'll move Keith's option number 7. Because effectively that's  
14 what the Committee did, and so I think we can go down that road. But I think that option,  
15 while not the greatest thing in the world, actually gets us off the dime and may effectively  
16 begin to move us forward and address these issues.

17  
18 Council President Leventhal,  
19 Mr. Denis?

20  
21 Councilmember Denis,  
22 Thank you, Mr. President, thank you, Mr. Chairman. I just have a few comments to make  
23 and I do not have any questions for gentlemen at the witness table so you're welcome to  
24 withdraw if you'd care to at the pleasure of the President.

25  
26 Council President Leventhal,  
27 Well, there may be other questions. Why don't you stay.

28  
29 Councilmember Denis,  
30 Okay, as you wish. I share Ms. Praisner's concerns and I thank her for her comments. I've  
31 created a timeline for this matter that contains 34 items from the Spring of Y2K to  
32 yesterday. When I received the legal opinion from our Council Attorney's office, thank you,  
33 Kathleen Boucher, validating consideration of my amendment, the Seven Locks rebuild.  
34 As recently as March 28 of this year, item 26 in my timeline, the timeline is available  
35 through my office, for anyone who may want it. The County Council, as reflected in Keith's  
36 packet, circle "C" of today's packet, it is the sixth bullet point on the page. The County  
37 Council on March 28 noted its opposition to moving Seven Locks to Kendale. Why?  
38 Perhaps it's the environmental degradation noted by the Sierra Club in its letter to the  
39 County Council, dated May 9th of this year. Perhaps it's the community opposition  
40 reflected in four mammoth hearings of March 7, County Council. March 21 County  
41 Council. May 1st, the School Board. And May 2nd and actually March 7th is a, is an  
42 interesting date, as well. Because that is the date that a story appeared in the  
43 "Washington Post," concerning the Council's reaction to the Inspector General's report  
44 and testimony that we received in yet another hearing. And at the end of the story, the  
45 reporter, Tim Craig, included something that I noted at the time and I wrote it down



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1 verbatim because I considered it so significant, and apparently he did to, and did his  
2 editor. And this is it, we, meaning the School System, the School Board, whatever, Carver,  
3 we don't withhold information. We just don't necessarily provide it unless asked. Richard  
4 Hawes, Director of the Schools Systems, Department of Facility Management told the  
5 Council at a hearing on Thursday. And I sincerely, from the bottom of my heart, thank Mr.  
6 Hawes for his candor. Because I think that that statement that testimony, was one of the  
7 best statements that we've heard in this entire saga. The Council and the School Board,  
8 however, at some point in this six-year timeline have certainly taken a good public opinion  
9 bath on this. Perhaps the Council expressed opposition to Kendale, reflects the views of  
10 the Planning Board staff, two years ago. Expressing serious doubt about the Kendale site  
11 or a majority of the members of the Planning Board, the members of the Planning Board  
12 last year. Reflecting their "serious reservations" as reflected in a letter from the Chairman  
13 of the Planning Board to the School Superintendent, January 9 of this year. Another item  
14 in my timeline. Whatever. This issue is one of the longest-lived that I have experienced in  
15 my tenure on the Council and it is also one of the most disturbing. It is my strongly-held  
16 view that every community and PTA in this County has a stake in the outcome here. The  
17 good news is that communities have been heard. The good news is that we've been  
18 comprehensive and transparent. At some point in the timeline. And the good news is that  
19 we're in agreement as to the need for a new school. As Keith Levchenko, our staff analyst,  
20 has noted in his brilliant memo yesterday and today, this is in part a siting issue. And I can  
21 cannot support, I do not support the Kendale site. I do support the Seven Locks site. So, I  
22 speak as a member of the Committee minority on this point. In opposition to the motion  
23 that is before us and at the appropriate time, either I will cast my vote accordingly or make  
24 a substitute motion, whatever would be in order. And I am leery of a Rube Goldberg  
25 complex scheme of musical chairs for fear of who might lose when the music stops. I fear  
26 this has become more complex and adversarial than necessary. In a few moments, the full  
27 Council will review the operating budget for Montgomery County Public Schools under  
28 Chairman Subin's able leadership. And I believe we will be together as we were in  
29 Committee. Chairman Subin and I have stood together in time of trial. And I will not allow  
30 a difference on this point to affect my judgment of his leadership. Likewise for the  
31 Superintendent, the School Board and the School System are temporarily separated  
32 brethren. As Tom Friedman, distinguished constituent, one of many...

33  
34 [LAUGHTER]

35  
36 Councilmember Denis,  
37 Wrote in, the world is flat. I think the Superintendent and I both had occasion to read and  
38 talk about and refer to the book. This is his quote in the book, I love it for reasons that will  
39 become immediately obvious. This is in the book. Best-selling, Pulitzer-prize winning  
40 book. "People in Bethesda and Bangalore are neighbors." I love that If it that's true, and it  
41 is, surely we are all neighbors here. And should practice the good neighbor policy. We're  
42 all in this together. I respectfully caution colleagues, especially District Councilmembers  
43 and Community Leaders, be careful what you agree to for another community because  
44 your community could be next. And who then would be there to help you? We have heard  
45 this repeatedly from the Montgomery County Council of PTAs and should listen carefully



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1 to what they say. We in Montgomery County stand on the shoulders of giants. There is  
2 good reason for us all to be modest as to those circumstances and events which created  
3 our County's greatness and uniqueness in education or anything else. These factors  
4 include creating a nation's capital from parts of Maryland and Virginia. Thank you, George  
5 Washington. The growth of the federal government and American power along with it,  
6 from the Civil War to World War II, thank you Abe Lincoln and FDR, creation of the  
7 beltway and interstate system. Thank you, Dwight Eisenhower, Lyndon Johnson and Matt  
8 Matthaeus, Metro. Thank you Don [Stolzenbach] a citizen activist by the way, Cody  
9 Pfanstiehl, Elliot's father. Gilbert [Gowdy], my first boss, and Carlton Sickles of blessed  
10 memory. The general plan of 1964, with its wedges and corridors, thank you to the County  
11 Council, and the Planning Board of that era. We now have an elected School Board, a  
12 County Executive and District Councilmembers I have not responded to some provocative  
13 statements that individual members of the Board have made and I will not. And I have not  
14 lobbied the School Board on this matter and I will not. Because I respect the governance  
15 issues. I have listened to members of the School Board who have asked to speak to me  
16 and I always will. Let me talk about District Councilmembers here, my colleagues will  
17 know this, it's a pet peeve of mine. Despite the logo on the signs that surround this  
18 building, we have District Council members. Those signs are 16 years out of date now. It's  
19 not only that is seven figures in the sign and now we have nine members, that the seven  
20 members were all at large. Now there are only four at large. I don't know want to say only,  
21 there are four at large. And five District Council members, and maybe I can provide some  
22 institutional memory here, because I think this is relevant. I was Actually in the State  
23 Legislature, in the Senate when this was passed on as it had to be to the County Council  
24 and then the Council put it on the ballot. And then it was elected, there was extensive  
25 discussion as you can imagine or recall how many, what should the boundaries be, and all  
26 the rest, but what convinced me and believe me, I had no idea I'd ever be on the County  
27 Council, be careful of what you vote for right? It was a hearing I attended of the County  
28 Council on a land use matter, naturally. And I heard one witness say they were against the  
29 project, and a Councilmember said where do you live? I said two blocks away. They say  
30 why should we listen to you? You're just a **NIMBY**, you're just opposed to something  
31 because it's near to you. The next witness testified also against the project, another  
32 Councilmember said where do you live? Across County, 45 minutes away. Why should we  
33 listen to you, you're so far away, you don't know anything about this. It seem to me that  
34 the voice of the people was not being heard here. And that you needed a balance, and  
35 that's what we have. Prince George's County has all District Councilmembers, and so on.  
36 We basically have, if I may put it this way, Senators and Representatives in one legislative  
37 body and it's only natural that people turn to the District Councilmembers on local issues  
38 for the same reason that people go to their member of the House as opposed to the  
39 Senator. That's just the way it is, and maybe if nothing else comes out of the discussion,  
40 Ms. Praisner's point that she's raised and I agree with, that maybe District Council  
41 members should have more staff to handle some of the constituent matters that we have. I  
42 think it's a legitimate point. The point here is that governance, governance here is defuse  
43 by design. There are no dictators in Montgomery County. We are thus compelled by our  
44 system to work together for things to happen. If any element pursues its grey area  
45 authority to nth-degree, nothing happens. We are conservatories and beneficiaries of all





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1 that and more. We seek to maintain greatness and enhance it and address problems that  
2 arise. As a result of this governance evolution in Montgomery County, we are often a team  
3 of rivals. Another book that a Superintendent and I have discussed and read and many  
4 other people have. It's the great title of Doris Kearns Goodwins, also Pulitzer Prize book  
5 about Abraham Lincoln and his cabinet. And there's a lot of Montgomery County in that  
6 book by the way, when you get to the 1864 part, involving...

7  
8 Unidentified Speaker,  
9 What page is that?

10  
11 [LAUGHTER]

12  
13 Councilmember Denis,  
14 It's in the 500s. Involving Monty Blair, I'm not being overly familiar that was his nickname,  
15 Montgomery Blair, Lincoln's Post Master General, and his family. By the way, Montgomery  
16 Blair represented Dred Scott in that famous case that went through the courts, and Juble  
17 Early torched his house over on Georgia Avenue, and one of the reasons I written this  
18 down is that I didn't want to get off to a tangent on the history there, but ...

19  
20 Council President Leventhal,  
21 Good job not getting off on a tangent!

22  
23 [LAUGHTER]

24  
25 Councilmember Denis,  
26 But I'd love to some day! But the transcending issue before the County Council, the  
27 transcending issue is whether or not our actions, the actions of the County Council, have  
28 real significance in this area. If they do, our deliberations, however arduous, are  
29 substantive. If they do not, then our actions are mere shadow rather than substance. Our  
30 Council Attorney's opinion puts that issue to rest. Our actions do have real significance we  
31 thus have a legal and moral obligation to exercise oversight and scrutinize and no one  
32 should take that personally. For me, this has been basically a process of elimination on  
33 the citing issue, which is one of the keys here. In November '03, number 4 in my timeline,  
34 the Board of Education approved the six-year CIP, recommending funding for a 10-room  
35 addition to Seven Locks by '06. This year. But on March 22nd, '04, number 12 in my  
36 timeline, the Board of Education amended its request to remove funding for the addition  
37 and modernization to Seven Locks and, instead, build on Kendale. I cannot support  
38 Kendale. So, let me share with you what I believe are the Seven Locks against Kendale.  
39 Lock number 1: community sentiment. Yes, of course there's a division of opinion. Just as  
40 at-large members deal with difficult issues, which there is less than unanimity, so, too,  
41 District Councilmembers, as well. But I think it's clear what the overwhelming sentiment is  
42 in the District that I'm honored to represent and other members can take that into account  
43 as they prefer. Lock number 2: the Inspector General's report of February 15th, '06.  
44 number 20 in my timeline, no Office of Inspector General, no Inspector General. No  
45 Inspector General, no Inspector General's report. No Inspector General's report, no Denis





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1 amendment. It's as clear as that. I took the extraordinary action of introducing a CIP  
2 amendment as a result of the Inspector General's report. And I was not a member of the  
3 County Council, although I testified before the Council to create the office of Inspector  
4 General, the office was created for good reason. It's really nothing more than an extension  
5 of our office of legislative oversight and the Council, then and now, in making the position  
6 permanent and staffing it and all the rest, the Council was at a fork in the road and could  
7 have gone in the direction of simply expanding the Office of Legislative Oversight. And  
8 that would have would have been a plausible alternative. But the Council chose, instead,  
9 to have an independent office of Inspector General, and wrote into the law that the  
10 Inspector General does his own work plan. That's an important aspect of this. We cannot  
11 dictate. We cannot suggest to the Inspector General what he should do. It's not like the  
12 other agencies, it's intended to be independent. It is an extension, it is part of our oversight  
13 and should be respected as such. By coincidence, the happy coincidence, the very first  
14 day that we moved into the 21st century here in the County Council it was something  
15 called Pictron, which is basically we're all on television now and if you press the right  
16 buttons, which I'm never able to do without help, you can actually bring back these  
17 proceedings. And we've been able to do that now for eight months, something of that  
18 nature. Prior to that time it was not possible and was always difficult to figure out maybe  
19 for some, what they did and who said what and whatever. Now we have Pictron. So on  
20 your computer, you get to our website, go boom, boom, boom. If you have a teenager in  
21 your house, or someone of that nature and get to Pictron. Amazingly, the first day that  
22 Pictron went into effect was the day that we confirmed Tom Dagley as Inspector General.  
23 And I would urge people to bring that up their computer or check it out or do whatever they  
24 want to do. Not only was it unanimous, but we had a panel of Federal Inspector Generals,  
25 only in Montgomery County could you have a search Committee, basically, consisting of  
26 sitting Federal Inspector Generals that would guide us in selecting an Inspector General.  
27 It's amazing! We had the sitting Inspector General from the Department of Justice and  
28 several administrations who is well thought of by all. And he actually appeared before us  
29 on that day in Pictron as you can see it. He took time out from his schedule to appear  
30 before the County Council and urged us to confirm Tom Dagley. Speeches were made,  
31 comments were made, whatever, it was unanimous. We had his 30-year record before us  
32 as an Inspector General on different levels and so on and so forth, and then we had his  
33 report. I think that his report was the first one and it's become an issue I'm well aware of  
34 that, but I have no reason to withdrawal the confidence that I voted in Tom Dagley. And I  
35 did introduce my amendment as a result of his report. Lock number 3. The Montgomery  
36 County Public System...

37  
38 [LAUGHTER]

39  
40 Unidentified Speaker,  
41 This gentleman's time has expired!

42  
43 [LAUGHTER]

44  
45 Councilmember Denis,



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1 Waiting six years for this. I feed myself much time as I may consume. I always wanted to  
2 say that!

3  
4 Councilmember Praisner,  
5 [INAUDIBLE]

6  
7 Councilmember Denis,  
8 It gets quicker from here thank you, thanks for your indulgence.

9  
10 Council President Leventhal,  
11 Come on, come on come, on, Mr. Denis has the floor.

12  
13 Councilmember Denis,  
14 Lock number 3. The Montgomery County public schools Feasibility study, in January '02,  
15 number 2 in my timeline, in which rebuilding at Seven Locks was the preferred option.  
16 See, that was painless. Lock number 4, the majority of the members of the Planning  
17 Board, expressing "serious reservations" about Kendale from an environmental standpoint  
18 in the January 6, '06 letter, from the Planning Board Chair to Superintendent Weast, which  
19 is number 18 in my timeline. This following the Planning Board staff report of April 29, '05,  
20 noting significant tree loss and Storm Water Management issues number 16 in my  
21 timeline. Lock number 5. The Montgomery County Sierra Club letter to the County Council  
22 of may 9th, '06. Strongly urging the County Council to reject Kendale and rebuild at Seven  
23 Locks. I have the letter here, I know it's been received by the County Council. Anyone  
24 wishing a copy of the letter is certainly welcome to my copy, or whatever, or to read the  
25 language, it's extraordinary for the Sierra Club to weigh in on something of this nature.  
26 Lock number 6, the views expressed by the AFL/CIO at our public hearing of May 2 in  
27 support of my amendment. That was unprecedented as was the testimony of the West  
28 Montgomery's Citizen's Association. Jennie Barns came down here, representing West  
29 Montgomery, all of our hearings, hour after hour after hour, to give her testimony.  
30 Normally it's been my experience West Montgomery and the AFL/CIO stay clear of  
31 contentious school issues. Lock number 7. The last lock, you get the point? Lock number  
32 7. The sheer length of time we and others have already spent on this and the importance  
33 of resolving this matter now. For all of those reasons, I humbly urge my colleagues to  
34 reject Kendale and support a rebuild where there already is a school at Seven Locks. The  
35 keys are in our hands. Thank you, Mr. President.

36  
37 Council President Leventhal,  
38 Thank you, Mr. Denis.

39  
40 [APPLAUSE]

41  
42 Council President Leventhal,  
43 There are two Councilmembers who have their lights on who is not yet spoken in general  
44 discussion we've been in general discussion for an hour and a half. What I'm going to do  
45 is I'm going to allow Ms. Floreen and Mr. Silverman to make comments, which I hope will



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1 be brief. And then the first matter before the Council is the first action by the Education  
2 Committee, that is the \$3.3 million special appropriation requested by MCPS for the  
3 Kendale road project. I had said that we would ask Kathleen Boucher to walk us through  
4 her memo. I'd rather reserve that for after the vote, the first vote on the \$3.3 million special  
5 appropriation. I just would just refer anyone who is interested to page 2 of her memo in  
6 which the question is asked, can the Council reject the three-point, I'm not prejudging what  
7 the Council will do, but if it were the Council's judgment to reject the \$3.3 million FY '06  
8 special appropriation, can the Council do that? And the answer from our legal Council is  
9 yes, should the Council choose to do that. We will refer to Ms. Boucher's memo further,  
10 later on in the discussion, but the first matter before us will be the vote on the \$3.3 million  
11 special appropriation, and I'm going first to call on Ms. Floreen, then on Mr. Silverman. If  
12 other members have absolutely critical points that must be raised before the vote, I will  
13 entertain them. But we're nearing a vote. Ms. Floreen?

14  
15 Councilmember Floreen,

16 Thank you. Thank you, Mr. Denis. This has been an interesting conversation over the past  
17 several months, frankly and as I gather from Mr. Denis's timeline, over the past six years.  
18 This is not a simple matter and I do have a couple of questions and some comments. As I  
19 understand it, well, this Council proved the Kendale proposal two years ago. It's proposed  
20 to start construction momentarily. That is one of the fundamental issues before us today.  
21 Should we allow that effort to start now or not? What I've heard is from community  
22 members associated with the Seven Locks School, they don't want the site and many  
23 people have weighed into that. What I've also heard is, I've tried to listen very carefully  
24 and what I think I've heard is they want to preserve their existing school. They want the  
25 size, they want the character, they want the community relationship that currently exists.  
26 That comes to a certain degree smack dab against the Board of Education's policies  
27 associated with new construction of schools and how we address capacity issues within  
28 the cluster. Then, we had questions raised about the cost in process associated with  
29 these decisions and we've received an interesting IG report. Raising questions about the  
30 nature of the decision making that occurred and whether the cost estimates were  
31 accurate. I'm probably, I think I am the only Councilmember who did not attend the grilling  
32 of the IG on the issue. Not because I didn't think it was important, but I actually don't think  
33 it's particularly relevant to the decision that we're making. The decision we have to make  
34 is what's best in light of the competing community concerns. It's not a purely fiscal  
35 analysis. It is not, no one can say we haven't had process and arguably it's transparent, I  
36 don't know. It's detailed. I would like to take the opportunity to commend our staff. Keith  
37 Levchenko's piece on this considered by the Education Committee yesterday, is the  
38 document that everyone should take a look at because it is not a simple issue. And frankly  
39 it's not an issue that we're especially well-equipped to sort out as a County Council. It  
40 involves questions of boundary changes. It involves questions of community capacity and  
41 a variety of trade-offs. What we've heard, and what I heard from observing the Committee  
42 session yesterday, is it's the Board of Education's view, that a larger school on the Seven  
43 Locks site is not appropriate. Perhaps a smaller school that, existing school works there.  
44 But a larger school will take up considerable green space. There will continue to be  
45 access issues. And the proposal, under any scenario, a proposal to rebuild on the Seven



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1 Locks site, will delay the solution that is in place today. Because the Kendale school could  
2 open in fiscal year '07. Any delay would require opening in '08. What I've heard is that  
3 there's significant issues with Bells Mills. We're all very sensitive to that. What we've also  
4 hears is that there are significant issues and long-term issues associated with Potomac  
5 Elementary. Another significant problem is the need for clarity and predictability within this  
6 whole system. Ms. Praisner's questions about the implications of the Committee's  
7 recommendation with respect to Bells Mills, I think, warrants further questions and I have  
8 some. I have a copy of the list in Mr. Levchenko's memo, which has a modernization  
9 schedule for assessed schools. If we advance Bells Mills, along with Kendale, the  
10 response has been, well, it doesn't jump the queue because, as I understand, the answer  
11 from the Chair of the Committee, because it does not adversely delay another school. Is  
12 that the board's view, Mr. Haughey?

13  
14 Dr. Charles Haughey,

15 Yes, it is, that the queue loses nothing, but one school is accelerated. It's a parallel move,  
16 not an insertion.

17  
18 Councilmember Floreen,

19 And isn't that because the proposal is also to increase the Capital Program to  
20 accommodate that?

21  
22 Dr. Charles Haughey,

23 Yes.

24  
25 Councilmember Floreen,

26 It's a question of adding money. But that could be said for any other school in the list  
27 couldn't it? If we added more money we could add Garrett Park up. If we added more  
28 money, we could move Glen Allen up. If we added more money we could move up Way  
29 Side, Browns Station, Wheaton Woods, Crest Haven. And that would be a way of not  
30 jumping the queue. We would just increase the CIP.

31  
32 Dr. Charles Haughey,

33 The queue would remain intact, so would the sequence.

34  
35 Councilmember Floreen,

36 You'd have to have a holding school, as well.

37  
38 Dr. Charles Haughey,

39 Yes.

40  
41 Councilmember Floreen,

42 But the solution to not jumping the queue is just adding money.

43  
44 Dr. Charles Haughey,

45 It's adding money and holding the [INAUDIBLE].



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1 Richard Hawes,

2 It's moving money forward in the CIP, the expenditures are already programmed to the  
3 CIP.  
4

5 Councilmember Floreen,

6 Right, but to add to it an additional year. It is increasing the Capital Improvements  
7 Program for that particular year to accommodate a particular school. There are valid  
8 concerns associated with every school in this modernization schedule that's on circle 13.  
9 Every one of those schools has been waiting very patiently, and I know that every one of  
10 those schools is watching us today. Because their response is going to be, well, add some  
11 money for us. We have valid concerns. We had a Joint Committee meeting a couple of  
12 weeks ago on Washington Grove. They've got real air quality issues, inside. And they're  
13 not even on this list. So, I don't think it's a facile solution, I don't think it's a simple solution,  
14 how we fix these problems. I am extremely concerned about the implications of what we're  
15 talking about today because every PTA in the system wants to be able to rely upon the  
16 School Board's decision-making process and our involvement on it in a predictable way.  
17 One of the other issues associated with all of this is the controversial boundary changes.  
18 What are we saying to the folks in line today, what are we saying to parents? What are we  
19 saying to children about where they're going to go to school for the next couple of years?  
20 What are we saying to people who've made investments in a community because they  
21 wanted to be part of that particular community? These are relevant concerns. And finally  
22 what is the fair financial plan? I'd love to have the I.G. weigh in on all of this conversation  
23 because this is not just about cost analysis, this is about what's right for a community, and  
24 it is not a simple solution. I think that the issue and the most responsible issue resolution  
25 for us is what's most important for the children and what's fiscally responsible. What's fair  
26 to the community at large. And, you know, I think that what's, the Committee has  
27 recommended, at this point, at least with respect to Kendale, is responsible fair and  
28 predictable. And I think what the School Board has attempted to do is to weigh these  
29 issues. We'll see where the Council goes in all of this. But I have to say that once we start  
30 picking apart the list, we are digging a very, very deep hole for every other school on the  
31 waiting list and every other school that has very legitimate needs. That wants to weigh in  
32 and has up until today played by the rules. Thank you.  
33

34 Council President Leventhal,  
35 Mr. Silverman?  
36

37 Councilmember Silverman,

38 Thank you Mr. President, I have some questions and I actually don't care who answers  
39 them on behalf of the School Board or School System, but I do have some questions  
40 about this. I wanted to understand a couple of things. First of all, in terms of the  
41 recommendations from the Committee, to accelerate the Bells Mills modernization, the  
42 packet for today says the staff has been asked to provide updated cost information for the  
43 Bells Mill's modernization under this accelerated approach. Is that information available  
44 now?  
45





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1  
2 Dr. Charles Haughey,  
3 It's not available right now Mr. Silverman.

4  
5 Councilmember Silverman,  
6 When will it be likely to be available?

7  
8 Dr. Charles Haughey,  
9 Well we can have it in the next day or two.

10  
11 Councilmember Silverman,  
12 Okay. And did the Committee indicate what the size of the school would be at Bells Mills?

13  
14 Councilmember Subin,  
15 640. The community's understanding is that the Board's plan is to go to five elementary  
16 schools with the capacity of 640 in that cluster.

17  
18 Councilmember Silverman,  
19 Okay, I would like to get, ask the School System if they would also provide a 740 financial  
20 option for Bells Mill.

21  
22 Dr. Charles Haughey,  
23 Yes.

24  
25 Councilmember Silverman,  
26 In terms of the acceleration, I apologize, I was listening, I have seven keys here, Howie I  
27 don't have any locks. I want to try to understand the rationale of the school system with  
28 regard to accelerating Bells Mill. So, Charles, if you want to answer this, if Sharon wants,  
29 Dick, somebody, I want to understand, what is the criteria for accelerating the  
30 modernization of Bells Mill.

31  
32 Dr. Charles Haughey,  
33 I would like Mr. Hawes to respond, perhaps Dr. Weast would comment too, but essentially  
34 the decision is one of necessity. There seems to be no practical way to recycle sufficient  
35 temporary classrooms, portable classrooms, at reasonable cost on to the Bells Mill site to  
36 accommodate the needs as long as they exist. Mr. Hawes will a correct me if I'm  
37 mistaken.

38  
39 Richard Hawes,  
40 You have to go back and remember what we looked at as a Committee, or as a work  
41 group I should say, and that was how to solve the capacity issues within the cluster. If you  
42 look the capacity issues in the cluster, the one, the school that is most over utilized is Bells  
43 Mills Elementary School. We talked about whether or not we should, as part of option 5a  
44 and 5b, look at recommending accelerating Bells Mills. But we didn't as a work group  
45 because all we were asked to do is to look at the cost of each option along with the...





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1 Council President Leventhal,  
2 Right, I'm sorry to interrupt Mr. Hawes, that's not all the working group was asked to do. I  
3 can spoke more to that later, I apologize...

4  
5  
6 Richard Hawes,  
7 Okay, that's what we were operating under basically.

8  
9 Councilmember Silverman,  
10 Okay, keep going.

11  
12 Richard Hawes,  
13 So, the Board's position is if you're going to address the capacity issue, you have to look  
14 to address the school that's most over utilized as part of the solution for the Churchill  
15 cluster.

16  
17 Councilmember Silverman,  
18 So, the reason, well, now I'm hearing two different things. When you talk about, unless  
19 you're talking about the same thing, Charles, you're talking about necessity relating to  
20 overcrowding. So, this is not a function of the number of portables because I assume that  
21 if we've got health problems, I mean the timeline for Bells Mills acceleration is completion  
22 dated 2009.

23  
24 Richard Hawes,  
25 One year.

26  
27 Councilmember Silverman,  
28 Right. So, the reality is being accelerated by a year, the reality is, or let me ask the  
29 question, when do those kids move out of Bells Mills under a completion date of fall in  
30 effect Fall '09?

31  
32 Richard Hawes,  
33 It would be December 2007, mid-year 2007.

34  
35 Councilmember Silverman,  
36 Okay, December 2007. Okay so, they're going to be at Bells Mill for, in effect, three, I will  
37 call it three more semesters, Fall, Spring and then the following Fall before they move.

38  
39 Richard Hawes,  
40 Right.

41  
42 Councilmember Silverman,  
43 Okay. So, even under this acceleration scenario, from the health stand point that we've  
44 heard about so much with regard to the portables, I don't want to presume anything, but,  
45 yeah, just keep the button on, Charles, thank you. I'm going to, you know, suggest that I



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1 believe we're all in the same place, which is we want to make sure that if there are  
2 unhealthy situations at Bells Mill that they get addressed. So, you're going to have to take  
3 another look at the portables at Bells Mills anyway to make some determination. Okay, all  
4 right. So, if the criteria basically is overcrowding, then I want to go to the mod schedule  
5 because if we're basically going to say that you can throw away the fact score as the  
6 criteria and move just overcrowding, I guess the question is: Has the School Board, and  
7 this is a question for the School Board, has the School Board determined that  
8 overcrowding, rather than fact score is going to be the new criteria for evaluating schools  
9 system wide?

10  
11 Richard Hawes,  
12 No.

13  
14 Dr. Charles Haughey,  
15 Mr. Silverman, overcrowding is a part of the fact score. There's two components. There's  
16 a facility component and a utilization component. It was considered a long time ago before  
17 it was...

18  
19 Councilmember Silverman,  
20 Okay then here's, I guess here's what I'm having some trouble with here. Is if the reason  
21 why Bells Mills is going to get moved up is solely, solely for the purpose of overcrowding at  
22 Bells Mill, because I haven't heard anybody say under the options presented by the  
23 Committee, that it's going to be moved up to relieve overcrowding at Potomac. Now that  
24 would be a different set of circumstances. But right now, the circumstance in front of us is  
25 to build a new school at Kendale to relieve overcrowding at Potomac and accelerate Bells  
26 Mill for the purpose of addressing their overcrowding. So I want to go to that issue. What  
27 am I supposed to say to the folks in, and I will zip through these, What am I supposed to  
28 say to the folks in Glen Allen, who according to this schedule, their fact score is 1418. So,  
29 that puts them down from Bells Mill, in fact it puts them on a schedule of 2013. And  
30 according to the numbers at Glen Allen, Glen Allen, which is a school that has enrollment  
31 right now around 400. They are basically, have 119, 107, et cetera, et cetera kids. They're  
32 a solid 25% over capacity. So you've got them on the list of being overcrowded. Then  
33 you've got Cannon Road, which is on the list here. And I see that they are, they're actually  
34 right after Bells Mill. And they have 350, 360 kids and, again, they're not going to be  
35 addressed until 2012. And they've got kids, their capacity looks like it's about 25%  
36 overcrowded, as well. And then you've got Carderock Springs, which looks like until they  
37 get their modernization done in 2010, they're going to end up with about 60 kids over. I  
38 guess what I'm trying to understand is if the criteria is now overcrowded, what is the line  
39 that gets drawn? What's the line that gets drawn? Is 25% okay? So, I should tell the Glen  
40 Allen people they have to wait another six or seven years because their overcrowding is  
41 only 25%? And I guess I'll ask you the other question, which is I didn't go through the  
42 whole book so if we really want to get into overcrowded schools, which are supposed to  
43 be part of the fact score, how many elementary schools have not been evaluated for  
44 purposes of the fact score?



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Unidentified Speaker,  
I don't know that number.

Richard Hawes,  
37, from the back of the room.

Councilmember Silverman,  
How many?

Richard Hawes,  
37, from the back of the room.

Councilmember Silverman,  
So, we really don't even know if the fact score is supposed to be part of that criteria, whether there are other schools that are overcrowded and at what level. I know that when Mr. Subin and I worked together to deal with Garrett Park and Fairland issue, and Mr. Subin's Little Darling idea, that was directly designed to...

Councilmember Praisner,  
Farmland not...

Councilmember Silverman,  
Farmland, sorry.

Councilmember Praisner,  
Farmland.

Councilmember Silverman,  
Farmland, Farmland! It was directly designed to address an overcrowded situation that was not going to be relieved in the six-year CIP. So, I'm getting back to my threshold question, which is what is the criteria for overcrowding that the board is now going to use, so that I can go back to my at-large constituents and explain to them, you know, why it is that Bells Mill gets moved up and some of the other schools don't. Because if all we're talking about, Dick, is moving money up, you know, nobody is queue-jumping, we're just moving the money up, then, you know, that's what I would basically say. Well you didn't queue jump, we just moved your money up above everybody else.

Dr. Charles Haughey,  
The Board is not in a process of changing the criteria and this consideration occurred only because we were looking at the total capacity needs in the Churchill cluster, in the context of hearings on the Kendale site.

Councilmember Silverman,  
So you wouldn't, I'm just trying to understand from a policy standpoint.



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1 Councilmember Subin,  
2 President Haughey if I could? There are other, the way you get there, Mr. Silverman, is  
3 more complex.

4  
5 Council President Leventhal,  
6 Mr. Subin, you're recognized.

7  
8 Councilmember Subin,  
9 Well, as Chair of the Committee, I'm always on here. It's a little more complex than that,  
10 the issue was not simply the overcrowding. There were at least two other considerations.  
11 One is the, whether it is on the current model as opposed to the future mods list. The  
12 others schools that you mentioned are on the future mods list. Which means there is no  
13 planning, no design. Nothing has been done except to put them on the list. In the case of  
14 Bells Mill, the planning and design have already begun. So, you're in a posture to move.  
15 The other issue then becomes...

16  
17 Councilmember Silverman,  
18 Isn't, I'm sorry to interrupt, but isn't **Carderock** Springs in exactly the same posture that...

19  
20 Councilmember Subin,  
21 I believe that is so...

22  
23 Councilmember Silverman,  
24 So is Crest Haven. They're both in the same year as Bells Mill --  
25 Richard Hawes,  
26 No Crest Haven can't get moved forward because they have a holding, there's not a  
27 holding school available for them, basically.

28  
29 Councilmember Subin,  
30 The **Carderock** piece is valid and I'll get to that in a second. The other thing is the  
31 availability of a holding school. And in this case, the discussions regarding Seven Locks  
32 and whether Seven Locks could be replaced on Seven Locks? The question was raised is  
33 there another holding school to be able to do that? Because the Kendale replacement site  
34 assumed you wouldn't need one. And in looking at that the answer came up yes, you have  
35 two possibilities, Radnor and Grovener. So now you've identified the holding school. So,  
36 that was the second piece. The third piece to address your question of **Carderock**, the  
37 issue here was solving the Churchill overcrowding issue within Churchill and a Churchill  
38 solution. That's why **Carderock** was not thrown into the mix. I think certainly if you had  
39 gone outside and then the decision was made to accelerate a school because a holding  
40 facility had become available, then **Carderock** would come into the mix. The problem with  
41 Crest Haven was the issue of the distance to get the children from their homes to the  
42 school.

43  
44 Councilmember Silverman,  
45 Okay, so multiple factors.



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1  
2 Councilmember Subin,  
3 Multiple factors.

4  
5 Councilmember Silverman,  
6 Okay, let me ask you another question again, to whoever wants to answer it. One of the  
7 issues that was raised or has been raised, let me try it this way, 100 years ago, it seems,  
8 we started down this process of how do we relieve overcrowding at Potomac. And  
9 somebody brilliant took a look at a map and took a look at enrollment and said, oh, gosh,  
10 we've got this school, this, and it wasn't me by the way, we've got Seven Locks and it's a  
11 small school. So it sure makes sense to say let's ship kids over there from Potomac. And  
12 that started the let's do the addition and then follow the bouncing ball, we'll do the addition  
13 and then the mod and then, you know, we wanted you guys to surplus some land that you  
14 owned somewhere in the County and we all know the saga, but let me go to this question,  
15 I mean I've gotten a variety of e-mails from people. Some of whom have said that it is  
16 unfair, not my term, their term, it is unfair to consider keeping Seven Locks as a "small  
17 school." Now, so, they're suggesting that we either do Seven Locks on Seven Locks, or  
18 Seven Locks on Kendale, but under no circumstances should we keep Seven Locks at a  
19 small number of kids. Now I had my staff take a look at the number of schools that are  
20 below 350 at the elementary school, and they came up with 12 schools. Three of them I  
21 would discount because they're paired schools, East Silver Spring, Oakview, and North  
22 Chevy Chase, but there are nine other schools that have, you know, below 350 kids. so, I  
23 guess here's question. Cashell, which is on the MOD schedule, has about, has according  
24 to the chart, 338 kids at this point. The modernization is scheduled here to be done, looks  
25 like in 2009, 2010. And you're going to increase what you're calling program capacity, to  
26 go from 292 to 403. But the number of kids is not projected at all to increase. So, the  
27 board has a position that not every new school will be modernized is going to have a 640,  
28 or I'm comparing apples and oranges.

29  
30 Richard Hawes,  
31 That school will be modernized with a 640 core.

32  
33 Councilmember Silverman,  
34 But it won't have it's not going to have 500, it's not even going to have 400 kids, which, by  
35 the way, raises a question I'd like to take up at an appropriate time about why we would be  
36 doing 640 cores for schools that aren't going to have more than 310 kids after they're built.  
37 So, we'll have that discussion another time.

38  
39 Richard Hawes,  
40 We've had that in the past...

41  
42 Councilmember Silverman,  
43 That's fine, I just don't recall us you know... So, I guess what I'm trying to understand and,  
44 again, I will ask what the Board's position is on this. Does the Board have some position



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1 that suggests that there is a minimum size for Elementary Schools in Montgomery  
2 County?

3  
4 Dr. Charles Haughey,

5 It's not a question of minimum size for Elementary Schools, it's a question of providing an  
6 adequate facility an inclusive school, a comprehensive program in every school we  
7 remodel. So, schools that seem to be small schools now, if there is sufficient demand,  
8 sufficient population in the neighborhood they are expanded to a larger core and more  
9 complete program.

10  
11 Councilmember Silverman,

12 So, I guess following up on that, the issue isn't that there's a magic cut-off for the number  
13 of kids, you just want to be sure that when the school is modernized, that the school will  
14 have the facilities to be able to address, you know, the new facilities to be able to address  
15 the kids that are in the school.

16  
17 Richard Hawes,

18 Right and any future moment that might come along. Because remember, when we  
19 discussed this years ago, our comprehensive approach to this was to provide the  
20 capacity, when you're doing the modernization. So, if you add the classrooms later, you  
21 can do it cheaply.

22  
23 Councilmember Silverman,

24 Okay. But there's no policy of the board that says when you go through the  
25 modernizations of Cashell and Candlewood, et cetera, et cetera, that you're basically  
26 looking to ratchet up the size of the school, so that then you will then turn around and say  
27 to folks at Cashell or Candlewood, Hey, now you have a school that's bigger, and we're  
28 going to make sure you've got 500 kids in the school.

29  
30 Richard Hawes,

31 No, it's basically to build future capacity in the facility.

32  
33 Councilmember Silverman,

34 So, it sounds like under that policy, there's no policy that would prevent a modernization of  
35 Seven Locks at Seven Locks, keeping roughly the same amount of kids at Seven Locks  
36 that are now there.

37  
38 Richard Hawes,

39 Well, except if you can do that, you're not going to be able to provide the capacity relief  
40 within the cluster.

41  
42 Councilmember Silverman,

43 That, that assumes that the capacity relief you are trying to focus on is on the Seven  
44 Locks site, as opposed to another site within the cluster.





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1 Richard Hawes,  
2 That is another option.

3  
4 Councilmember Silverman,  
5 Right. And I'm just trying to understand whether there are policy implications about the  
6 size, the number of kids at Seven Locks, sounds like there isn't.

7  
8 Dr. Charles Haughey,  
9 And our perspective in looking at capacity is cluster capacity, more than individual school  
10 capacity.

11  
12 Councilmember Silverman,  
13 Thanks, I look forward to up updated information on the Bells Mill cost.

14  
15 Council President Leventhal,  
16 I've got an idea, let's vote.

17  
18 Councilmember Subin,  
19 Mr. President, before you vote, could I make a statement for the Committee? I know Mr.  
20 Denis raised the legal issue on the -- the legal sufficiency of his amendment and I know  
21 you made some reference to that.

22  
23 Council President Leventhal,  
24 Mr. Chairman, may I? The matter before the Council now is the very first recommendation  
25 of your Committee, Mr. Chairman. Which would be the first vote, which would be the \$3.3  
26 million special appropriation in FY'06 to complete the Kendale School.

27  
28 Councilmember Subin,  
29 Yes, I know. And Mr. -- and Mr. Denis raised the question and I'm trying to say that the  
30 Committee felt that his amendment was in order and there is a sound legal basis for it.

31  
32 Council President Leventhal,  
33 Okay, but the first -- the matter -- in order in the memo as reported by your Committee, the  
34 first vote, and the vote that I hope we can take now, is the question of shall we appropriate  
35 \$3.3 million in FY '06, as a special appropriation, to complete the Kendale School? That  
36 matter is now before the Council. Those in favor of appropriating the \$3.3 million in FY'06 -  
37 - this requires six votes -- to complete funding for the Kendale School will signify by raising  
38 their hands. It is Mr. Subin, Mr. Knapp, and Ms. Floreen. Those opposed to the motion of  
39 the Education Committee will signify by raising their hands. It is Mr. Denis, Mr. Silverman,  
40 Mr. Andrews, Mr. Perez, Mrs. Praisner and myself. The special appropriation is defeated  
41 by a vote of 3-6. The second recommendation was Mr. Denis' suggestion. I don't know  
42 whether Mr. Denis wants at this time to offer...

43  
44 Councilmember Denis,



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1 Well, I will, at the pleasure of the Chair, but at the appropriate time I'd like to delete the  
2 Kendale PDF from the CIP. Would that be in order now? I would so move.

3  
4 Council President Leventhal,

5 I will second that. And let me just say on seconding that it seems to me that you can't  
6 leave an unfinished amount of money. The Council has indicated it will not support the  
7 funds necessary to complete Kendale. We are left and will give you an opportunity to  
8 comment in a moment. We are left with a PDF that can't do it's job. And therefore, it  
9 seems to me, that the motion to delete that PDF from the CIP, that is delete the Kendale  
10 project from the CIP is in order and Mr. Denis has made and I have seconded that motion.  
11 Kathleen did you want to comment on our ability to delete a PDF from the CIP?

12  
13 Kathleen Boucher,

14 I just wanted to clarify legally the motion from Councilmember Denis. Are you making a  
15 motion to delete it from the '05-'10 CIP?

16  
17 Council President Leventhal,

18 We would do that, what's the relevance...

19  
20 Kathleen Boucher,

21 I guess my question is what's the relevance of Mr. Denis' -- I apologize what's the  
22 relevance of Mr. Denis', or purpose of your motion, Councilmember Denis? You need a  
23 PDF for any project.

24  
25 Councilmember Denis,

26 Right, my purpose is to put a stake through the heart...

27  
28 Sound Effect,

29 [LAUGHTER]

30  
31 Councilmember Denis,

32 ...trying to kill the project. Whatever the language.

33  
34 Council President Leventhal,

35 It is clearly to state that the Kendale School is no longer a part of the approved CIP. We  
36 prior approved the CIP under which we're operating. We're in the midst of working on the  
37 CIP under which we will be operating. So the motion could simultaneously delete the PDF  
38 from both the approved CIP and the pending CIP.

39  
40 Kathleen Boucher,

41 One thing I just wanted to clarify, if you're acting, if you're acting with regard to the '06  
42 budget and the '05-'12 CIP, it's six votes.

43  
44 Council President Leventhal,

45 We'll find out in a moment whether that is...



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Kevin Levchenko,

The other issue though is if you support Mr. Denis' amendment, which you have not voted on yet, that amendment needs a place to go. It could go in the existing project as a change to that project.

Council President Leventhal,

Well, it -- but the motion now before the Council is to delete the Seven Locks Replacement School at Kendale from the CIP. It seems to me that that motion applies simultaneously to the approved CIP and the pending CIP.

Kevin Levchenko,

I'm just suggesting you may take that vote after Councilmember Denis' vote.

Councilmember Denis,

Keith you're saying that...

Council President Leventhal,

But the Council President has ruled it is in order and it has been made and seconded and it is now before the Council. The motion before the Council is to delete the Kendale School, the Seven Locks Replacement School PDF both from the approved FY '05, through 2010 CIP and from the pending FY '07-2012 CIP. I would foresee that there would be quite a bit of discussion depending on the resolution of this vote as to what would be the next step. Would it be Mr. Denis approach? Would it be the Committee's approach? Would it be moving up Bells Mill? Who knows what may happen? It may be that we may ask the School Board for its advice.

Councilmember Denis,

Mr. President, could I.

Multiple Speakers,

[INAUDIBLE]

Councilmember Denis,

Mr. President, I'd like to ask our staff analyst, Keith Levchenko, to clarify or at least for me elucidate or expand on what you were saying. Are you suggesting that a better way to do this is to take up my amendment first?

Kevin Levchenko,

My concern is your amendment was an '05 through '10 amendment. If it was approved it would be in place immediately, and presumably the school system if it concurred with it could move forward immediately.

Kathleen Boucher,



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1 However if you delete the project, and then seek to amend, there is nothing to amend at  
2 that point.

3  
4 Councilmember Denis,

5 So you're saying that with my candidly expressed views out there that the better way of  
6 reaching that goal if it's the which will of the Council it to take up my CIP amendment first?

7  
8 Kevin Levchenko,

9 If your amendment passed that would essentially change the project and drive the stake  
10 through the heart. Alternatively if your amendment does not pass, then you could seek to  
11 delete the project or an alternative could be brought up. I think deleting the project without  
12 knowing what's in its place if anything, leaves us hanging.

13  
14 Kathleen Boucher,

15 I would agree with Mr. Levchenko.

16  
17 Council President Leventhal

18 Well, however, there are a number of alternatives floating, including option seven, which  
19 may or may not involve building a larger school on the Seven Locks site. My  
20 understanding, my best guess based on much consultation with my colleagues is that  
21 there is a fairly clear majority on this Council as expressed in the last vote that  
22 constructing a replacement school on the Kendale site does not command the support of  
23 the majority of the Council. There are a variety of different approaches that may yet  
24 command the support of a majority of the Council, today or at another time. And so it was  
25 my not sense, Mr. Denis -- Mr. Silverman, could I just...

26  
27 Councilmember Silverman,

28 Yeah, I'm listening, I'm listening.

29  
30 Council President Leventhal,

31 It was not my sense Mr. Denis, that a majority of the Council was ready at this moment to  
32 endorse the Denis alternative, instead it seemed to me that we were going to have some  
33 discussion, interest had been expressed in option seven, there was interest in discussing  
34 Bells Mills needs. What I'm not clear on is are we not in a position to add a PDF to the  
35 CIP? Why do we need to operate off amending an existing PDF? Can't we delete the  
36 PDF?

37  
38 Kathleen Boucher,

39 Having heard the discussion, particularly what you said, Mr. President, about the purpose  
40 of the motion and what you're trying to do, the cleanest way for the Council to operate at  
41 this point is to delete a project -- to retain the PDF in the CIP as a blank template, okay?  
42 And delete the project from it, but retain the PDF there. That will serve as a template that  
43 you can then insert in your further discussions and further votes, whatever project you  
44 want. You will have a PDF in the CIP that's retaining fiscal capacity for the project, any  
45 project.



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1 Council President Leventhal,  
2 So the effect of the motion then would be that the PDF would no longer clarify -- would no  
3 longer state that the new school is to be built at Kendale?  
4

5  
6 Kathleen Boucher,  
7 It would essentially delete everything regarding the description of the Kendale project and  
8 essentially be sort of reserved for a Seven Locks Replacement School, would be your  
9 vote right now. Then you would need to clarify later how you further...

10  
11 Council President Leventhal,  
12 Why could we not come back and add a PDF? We understand there is capacity in the  
13 overall...

14  
15 Multiple Speakers,  
16 [INAUDIBLE]

17  
18 Council President Leventhal,  
19 So the motion then would be to void the Kendale project but to leave a place holder in the  
20 CIP...

21  
22 Kathleen Boucher,  
23 I think that's the cleanest legal way to go.

24  
25 Council President Leventhal,  
26 for a new school, which will define what the PDF will contain in the next motion.

27  
28 Councilmember Denis,  
29 Okay, I so move then.

30  
31 Council President Leventhal,  
32 The motion then is to void the Kendale project as described in the PDF but a PDF remains  
33 in the CIP to be modified later.

34  
35 Councilmember Denis,  
36 That's my motion. I couldn't have said it better myself.

37  
38 Councilmember Subin,  
39 I think from a tactical standpoint, Ms. Lamborn could probably add some help.

40  
41 Council President Leventhal,  
42 All right, Martha, come on up.

43  
44 Councilmember Denis,  
45 Oh, we haven't heard from OMB.



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1  
2 Council President Leventhal,  
3 Introduce yourself please. Press the button and introduce yourself.

4  
5 Martha Lamborn,  
6 I'm Martha Lamborn with the Office of Management and Budget. I have no dog in the fight  
7 about whether or not...

8  
9 Councilmember Denis,  
10 There is no fight, we're all friends here.

11  
12 Martha Lamborn,  
13 ...you disappear this PDF. I would like to advise you that there is \$14-ish million  
14 appropriated in this project. If you disappear it, you have.

15  
16 Councilmember Praisner,  
17 Disappear...

18  
19 Council President Leventhal,  
20 Wait, wait. What?

21  
22 Martha Lamborn,  
23 You have effectively I think, I am not Marc Hansen, but he's been very clear with me about  
24 disappropriation. If you disappear the PDF, you will be disappropriating in mid-year. It is  
25 my understanding that refusing to reappropriate is an absolutely acceptable legal activity,  
26 but you can't do it in mid-year. You do it May 25th for July 1st FY...

27  
28 Councilmember Denis,  
29 Can we just leave the money in? Can we just leave the money in?

30  
31 Martha Lamborn,  
32 Yeah, sure.

33  
34 Kathleen Boucher,  
35 And that's the option that I'm proposing. That you leave the money in with a blank PDF.

36  
37 Councilmember Subin,  
38 But what we do with that, Howard, is you leave the money with a signed contract and the  
39 ability of the parties to amend that contract. So you could end up with a victory that you've  
40 disappeared the PDF, you've tried to disappropriate the money and you can't and you get  
41 an agreement between the two parties who could then simply amend what was there that  
42 you couldn't disappropriate for at this point and they could do what they wanted.

43  
44 Council President Leventhal,  
45 I'm not sure that Kathleen agrees with that interpretation.





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1  
2 Kathleen Boucher,  
3 Well...

4  
5 Council President Leventhal,  
6 If we instruct the School Board not to build a site -- the school on the Kendale site, could  
7 they go ahead and spend the \$14 million already appropriated to build part of a school on  
8 the Kendale site?

9  
10 Multiple Speakers,  
11 [INAUDIBLE]

12  
13 Kevin Levchenko,  
14 Fiscally they would not have enough appropriation to build either a 640 or a 740 core on  
15 the site. They need at least \$3.3 million for the 740. They would need two or more million  
16 for a 640 core. So, practically speaking, they would need more money to build the  
17 minimum size school they were talking about building on Kendale.

18  
19 Kathleen Boucher,  
20 Here's my perspective on...

21  
22 Councilmember Subin,  
23 I think Mr. Levchenko is absolutely correct.

24  
25 Kathleen Boucher,  
26 My perspective on the legal issue is that you have to view the PDF with a dual purpose,  
27 okay? In '06 it is a condition on the appropriations you've already made for this project,  
28 okay? You may modify the conditions of the PDF, for example by deleting the project,  
29 essentially and keeping it as a place holder. What Ms. Lamborn is speaking to that Mr.  
30 Hanson has raised is you can't disappropriate the appropriation, that's a whole other issue  
31 not even addressed in my memo. You can't take the money away. What you want to do is  
32 leave the money in as appropriation, but modify the conditions of using that right now to  
33 essentially say its reserved as place holder for a project.

34  
35 Councilmember Denis,  
36 So you'd have to change it to something like Seven Locks solution according to what  
37 you're saying.

38  
39 Kathleen Boucher,  
40 You could say that and...

41  
42 Council President Leventhal,  
43 What would be the effect of simply deleting PDF? It would free up \$14 million for other  
44 projects in the capital budget or accelerate other projects.



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1 Kathleen Boucher,

2 You could, in conjunction with your consideration of the next six year CIP, decide not to  
3 reappropriate money for any project, but you have already appropriated money in '06.

4  
5 Council President Leventhal,

6 It seems to me then what we want to do is we wants to void the instructions in the current  
7 CIP, the '05 through 2010 CIP, void those instructions, the money's been appropriated but  
8 it can't be spent. That's one motion. With respect to the '07 through 2012 CIP we have yet  
9 to decide how it will be solved. So they can't be done in a single vote. With respect to the  
10 current CIP that we're now in, the vote would simply be to void the instruction to build the  
11 school on the Kendale site. Understanding that \$14 million has been appropriated, can't  
12 be disappropriated, it exists but it can't be spent. That's the case until the end of June.  
13 Martha.

14  
15 Martha Lamborn,

16 Not certain that it can't be spent. Meaning you voided the instruction, but once an  
17 appropriation is made, you can't put later conditions on it. Now, effectively what you say  
18 will work, assuming we don't get all real, real tricky, which will have it's own aftereffects.  
19 Meaning if the money were to be spent after you have expressed such clear intent, it  
20 could be spent and a small school could be built. I really think that, I mean once they sign  
21 the contract.

22  
23 Council President Leventhal,  
24 Between now and July 1?

25  
26 Martha Lamborn,

27 No, once they sign the contract, that's it.

28  
29 Councilmember Subin,

30 They would have to amend the contract.

31  
32 Martha Lamborn,

33 They would have to amend the contract and sign it by June 30th. But the repercussions on  
34 that, meaning -- trust me, I have looked at this before -- the repercussions on that are ugly  
35 from an operating point of view. I would never want to do that, because I would have  
36 problems with appropriations later.

37  
38 Councilmember Denis,

39 So you're saying this is not necessary to accomplish the end? Is that what you're saying?

40  
41 Martha Lamborn,

42 I'm just trying to make sure that you understand what happens with the appropriation, the  
43 authority is already there to spend.

44  
45 Councilmember Denis,



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1 Is it -- Kathleen, maybe let me ask it in a candid way, but a vote which we just took, did we  
2 effectively kill the Kendale site?

3  
4 Martha Lamborn,

5 I do not believe you effectively killed the project that is in there. And I do not believe you  
6 can effectively kill the spending authority until July 1st.

7  
8 Kathleen Boucher,

9 With all due respect I really have to jump in here. There is an ongoing debate between the  
10 Council and the Executive as to what when it comes to County government the Council  
11 has authority to change a PDF, a condition of an appropriation during the fiscal year. The  
12 Council's position is the Council has authority to change a PDF during a fiscal year. Put  
13 that aside, state law is what governs in this situation and the state law specifically says  
14 this Council may amend the CIP at any time including during the fiscal year. I just have to  
15 say that.

16  
17 Councilmember Subin,

18 Okay. Well, but I would not -- I would not disagree with the fact that you can amend at any  
19 time. I think the law is clear and I agree with that. What is not clear is the issue "A" of  
20 disappropriating and, "B" what is less clear is if the Board does not like the CIP, PDF that  
21 they're given what they can or cannot do. I'm not arguing one way or the other. I am  
22 simply saying the law is very, very unclear and the case law on that is almost nonexistent.  
23 What the statutes institutes say is we can amend, it goes back to them, they have 30 days  
24 to comment, and it stops right there. It stops and leaves a "and" what? And it doesn't  
25 answer that question. And we are -- folks, here's what's happening. I agree everybody  
26 needs to do what they want, but I think you need to do it with the fall knowledge that we  
27 are running into a legal brick wall and we don't -- the answer's on both sides. I don't think  
28 either side has the answer. I'm not even sure I go to say its unclear. I'm not even sure it's  
29 there. The education article is about as close to silent as I've seen on anything. Here's  
30 what you do, here's what you do, here's what you do. And I think they're pretty clear with  
31 that. But after you get to that 30-day comment period it stops. And the Board of Education,  
32 the case law is very clear, is not a County agency and is not under its control. You take  
33 those two pieces and you go, "Now what, coach?" So whatever it is, whatever we're doing,  
34 wherever we're going, we are on a path right now that is taking us into a legal no-person's  
35 land. And I'm not sure anybody can do anything other than hazard a guess as to where we  
36 end up.

37  
38 Council President Leventhal,

39 Okay, there are many lights on.

40  
41 Councilmember Denis,

42 I'm going to withdraw my motion.

43  
44 Council President Leventhal,



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1 Well, the original motion has been withdrawn, fine. Now the suggestion from staff was that  
2 a clean way of resolving this was that Mr. Denis might offer his CIP amendment and we  
3 would see -- I don't know where the votes will play out on that. That would at least -- if it  
4 passed that would give guidance. How many votes are required on that.

5  
6 Multiple Speakers,  
7 Six.

8  
9 Council President Leventhal,  
10 That would be six votes on that. So Mr. Denis...

11  
12 Councilmember Denis,  
13 I so move and I sung my aria before, so I have nothing more.

14  
15 Council President Leventhal,  
16 Is it your belief, Kathleen, as you state in on your memo, can the Council vote for an  
17 FY'07-12 CIP that substitutes the Seven Locks Road project for the Kendale Road project  
18 and approve an appropriation for this project -- Well, go through the '06 and '07  
19 ramifications if Mr. Denis' current amendment, which I will second, were to pass, that is  
20 the Denis Amendment, what needs to be done with respect to the current CIP which  
21 expires at the end of the fiscal year and the new CIP?

22  
23 Kathleen Boucher,  
24 Mr. Denis' amendment is an amendment to the '05-'10 CIP, and yes the Council has  
25 authority to amend the CIP during that CIP period.

26  
27 Councilmember Subin,  
28 And the Committee, Mr. President, agrees with that analysis.

29  
30 Council President Leventhal,  
31 Okay, so the matter now before the Council is the Denis Amendment to construct a new  
32 school on Seven Locks Road. Mrs. Praisner.

33  
34 Councilmember Praisner,  
35 Yes, I think Mr. Subin is correct about the uncertainties associated with how we proceed  
36 and where the language -- and Senator Pinsky is in the audience -- where the language  
37 may lead us.

38  
39 Councilmember Silverman,  
40 But not with that hat.

41  
42 Councilmember Praisner,  
43 Not with that hat. I know that. The point I'm trying to make is when you make law and even  
44 when you have court decisions, the -- not only the words are issued but what the intent of  
45 those words are as legislation is drafted, especially in Annapolis at the very last minute



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1 folks think they're writing something and they find out later that it has to be fixed. That's  
2 why there is a process in Annapolis for fixing language, the following session on  
3 legislation where there are curative things that need to be done. And I appreciate the  
4 Senator's nodding recognizing that he's not here in that capacity. The point I'm trying to  
5 make is I found Ms. Boucher's advice led me to a place where I wasn't going to be initially,  
6 because it gave me, I guess, a little, a different context on it. My actual preference in all of  
7 this is option four, which is to put the capacity there and then to queue the schools up in  
8 the order from a standpoint of modernization, putting additional capacity at Seven Locks  
9 and dealing with that issue in whatever context it comes. But I am personally at this point  
10 prepared to support Mr. Denis' motion with one context and caveat. I do not think the  
11 Council should sit here and decide the holding schools and the assignments and those  
12 issues. And to the extent Mr. Denis' motion includes any language other than money  
13 towards a capital project and the site of that project, I don't think it should say anything  
14 else. And I want to make sure that Mr. -- and it may be a timing issue as well. But I am  
15 willing and have come to the conclusion through this sordid mess that we call this whole  
16 process with Seven Locks and the Churchill Cluster, that looking at where we are and  
17 where we have come and the interjection of other entities not in this room that have  
18 complicated it by talking about surplus sites, et cetera, that the best and cleanest  
19 approach for this is Mr. Denis' motion and I will support it.

20  
21 Council President Leventhal,  
22 Mr. Silverman.

23  
24 Councilmember Silverman,  
25 Thank you. Can I get a clarification on what Mr. Denis' motion is? Because I'm looking at  
26 the packet on page two and it says "The amendment would build a Seven Locks  
27 Replacement School at the Seven Locks site." So is it suggested that this would be a  
28 school that would relieve overcrowding at Potomac?

29  
30 Councilmember Praisner,  
31 Yes.

32  
33 Councilmember Silverman,  
34 Yes, okay. Okay. I just want to understand what the motion says. Okay. I asked questions  
35 that we didn't have information on. Let me try it a different way. This Council is not going  
36 to support a new school at Kendale, whatever the legal machinations are, that's pretty  
37 clear. Whether we like it or not, whichever side of the issue we're on, that's not happening.  
38 What I would like to avoid is what I think we would all call sort of the nuclear option, which  
39 is whether it's legal or not, is setting up a situation where we're all going to have to go  
40 back to law school, some got out sooner than others, and figure out whether we have the  
41 right to tell the School Board what to do or not. And I for one am not interested in that. So  
42 what I'm actually interested in is to get information that would allow this Council and allow  
43 the School Board to look at two other options. One of which is Mr. Denis' option which is a  
44 bigger school at the Seven Locks site which would relieve overcrowding at Potomac. Or  
45 what I would consider the option seven variable, which is what staff, one of the staff



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1 recommendations, which as I understand it, would be in a modernized school at Bells Mill,  
2 not to just to relief their over capacity, but in fact to allow Potomac overcrowding to be  
3 moved over there and to leave Seven Locks at its 270 or so kids. Those would be the two  
4 options as I understand that we may have. There may be a variety of others. But what I  
5 would most like to do is to get factual information about the costs of Bells Mill  
6 modernization, with the understanding that that might be an alternative to Mr. Denis'  
7 motion. And I would mostly like to get the School Board to have a couple of days so that  
8 they could have an opportunity to weigh in. Because I'm very concerned about the  
9 precedent of this Council telling the School Board what to do when there may in fact be an  
10 opportunity for the School Board to take a position that at least six members of the Council  
11 could envision. At this time I'm going to move to table Mr. Denis' motion until such time as  
12 we get back the information that we've requested -- that I've requested from the school  
13 system.

14  
15 Council President Leventhal,  
16 Is there a second?

17  
18 Councilmember Praisner,  
19 Second.

20  
21 Council President Leventhal,  
22 The motion to table has been made and seconded. It is nondebtable. It passes with five  
23 votes. Those in favor of the motion to table will signify by raising their hands. That would  
24 be Mr. Knapp, Mr. Silverman, Mr. Subin, and Ms. Floreen. The motion fails. We are back  
25 to Mr. Denis' motion and comments on Mr. Denis' motion. Ms. Floreen.

26  
27 Councilmember Floreen,  
28 Thank you. I'd like to return to the question of what is actually included in Mr. Denis'  
29 motion . The proposal as I understand it is to increase the appropriation by \$4 million? Is  
30 that correct? Someone?

31  
32 Kevin Levchenko,  
33 The appropriation does not need to change because the existing project assumed  
34 construction in '06 and '07. Mr. Denis' would have to go through design and then  
35 construction. So you don't need an immediate boost in appropriation unless, and this is  
36 where we need to talk to the school system, because the working group recommended a  
37 design/build approach for this project, we have not fully costed that out and determined  
38 how to make that work. I was going to mention that before you voted I hope that you have  
39 two options. If you were to approve it today, obviously this would have to go out to some  
40 sort of bid we wouldn't know where the numbers come in. Secondly if you're willing to wait  
41 until July 1st, you could do that as an '07 through '12 action. We can get more information  
42 to you before next week as part of reconciliation for that CIP.

43  
44 Councilmember Floreen,  
45 We don't know then what the cost implications are? Is that correct?





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1  
2 Richard Hawes,  
3 I would argue with that.

4  
5 Councilmember Floreen,  
6 What would you say. Mr. Hawes.

7  
8 Richard Hawes,  
9 What I'd say is that everybody was criticizing our estimates for the cost option so what we  
10 did is we said if Mr. Denis' option was to go forward the only way that we could guarantee  
11 that that could happen, which is complete the project by December, 2008, is if we took the  
12 Kendale plan, site adapted it to Seven Locks, and had a builder come in and take the  
13 whole thing under their wings. We went out and got budget estimates from two contractors  
14 that are prominent school builders in this area and have done a lot of work for us and they  
15 have told us what that cost is going to be, basically. We took the lowest of the two and  
16 we're identifying a \$2.6 million difference between the Kendale project and to do Mr.  
17 Denis' option. So from our perspective if you're going to adopt Mr. Denis' option, you have  
18 to increase our budget appropriation by \$6 million.

19  
20 Councilmember Floreen,  
21 By six?

22  
23 Richard Hawes,  
24 \$6 million.

25  
26 Multiple Speakers,  
27 [INAUDIBLE]

28  
29 Councilmember Floreen,  
30 Excuse me,.

31  
32 Richard Hawes,  
33 Those are the numbers that are in the.

34  
35 Councilmember Floreen,  
36 Right now it's at 14.

37  
38 Richard Hawes,  
39 You need 3.3 and 2.6.

40  
41 Councilmember Denis,  
42 Mr. President, let's let our own staff comment on that point before we slide over things, as  
43 we tend to do.

44  
45 Councilmember Floreen,



May 11, 2006

1 I'm just trying to ask my question.

2  
3 Council President Leventhal,  
4 Ms. Floreen has the floor.

5  
6 Councilmember Floreen,  
7 What you're saying is the school system's view is that in order to build a replacement  
8 Seven Locks School on the Seven Locks site, and let's agree on the details, at what  
9 number capacity the...

10  
11 Richard Hawes,  
12 640 capacity.

13  
14 Councilmember Floreen,  
15 ..640, in order to meet the '08 objective.

16  
17 Richard Hawes,  
18 And complete it by December of 2008, that's correct.

19  
20 Councilmember Floreen,  
21 That would require a different approach to construction than is typical within your system,  
22 correct?

23  
24 Richard Hawes,  
25 We would just do a design/build.

26  
27 Councilmember Floreen,  
28 You'd do a design/build. You're saying that would be a \$6 million increase over the current  
29 appropriation?

30  
31 Richard Hawes,  
32 That's what the contractors that normally do this thing are telling us.

33  
34 Councilmember Floreen,  
35 Have you -- so that would be a \$6 million increase for the current appropriation to start in  
36 '07?

37  
38 Richard Hawes,  
39 Yes. Correct.

40  
41 Councilmember Subin,  
42 And what would be the size of that facility and could accommodate the over enrollment at  
43 Potomac?

44  
45 Councilmember Floreen,



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1 I do have the floor I thought.

2  
3 Council President Leventhal,

4 Well, you do have the floor, Ms. Floreen. I thought you had your question answered.

5  
6 Councilmember Floreen,

7 I'm not done, no I'm not. So it's \$6 million. And I wanted to understand the implications for  
8 Potomac Elementary, Does this address, would this allow a model close enough to  
9 accommodate Potomac Elementary?

10  
11 Richard Hawes,

12 It would be the Kendale model moved to the Seven Locks site and it would enough  
13 capacity to accommodate the Potomac overcrowding.

14  
15 Councilmember Floreen,

16 That would be a \$6 million addition to the current appropriation.

17  
18 Richard Hawes,

19 That's what the builders are telling us it would cost to do that.

20  
21 Councilmember Floreen,

22 If you were to actually go to get the bid? You haven't actually gotten the bid. Just gotten  
23 an estimate.

24  
25 Richard Hawes,

26 Just budget estimates.

27  
28 Councilmember Floreen,

29 Let's agree those numbers could shift based on whatever. A \$6 million increase. Do we do  
30 anything for Bells Mill under this scenario? Nothing. Okay. Thank you. That's my question.

31  
32 Council President Leventhal,

33 Okay, Chairman Subin. And I know that Mr. Levchenko has something he wants to add.

34 There are many lights on, I will call on all members who have their lights on. But Chairman  
35 Subin wanted to ask a question.

36  
37 Councilmember Subin,

38 There is an inconsistency though in your answer to Ms. Floreen. You're saying now yes,  
39 yes, you could accommodate the youngsters from Potomac. But your rationale and your  
40 steadfastness in going to Kendale was because you were stating you couldn't safely build  
41 a facility at the current site that was larger than the one that is there now and  
42 accommodate those youngsters. So which one is it?

43  
44 Richard Hawes,



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1 I was just commenting on the cost to do it. I wasn't commenting on whether we thought it  
2 was a good idea or not.

3  
4 Councilmember Subin,

5 Then could you do it, putting the cost aside? I mean, I'm clearly trying to get to a point  
6 where we do what we did with the task force, and while Mr. Leventhal was correct, it only  
7 looked at those facilities' issues, there was also the issue of what we need to be doing to  
8 address the capacity needs of the cluster. And now, if you go back to Seven Locks, you  
9 don't address the needs of Potomac or Bells Mill. You simply put a new facility at Seven  
10 Locks.

11  
12 Council President Leventhal,  
13 I don't believe that's correct.

14  
15 Councilmember Subin,  
16 I'm asking them if that's what we're saying.

17  
18 Dr. Charles Haughey,  
19 And I think the words design/build are imperatives here. We don't know as a matter of fact  
20 what we can do with that site in terms of moving a proposal for another site onto the  
21 Seven Locks Bradley Boulevard space.

22  
23 Richard Hawes,  
24 I think we made it clear why we don't feel a 640 capacity school is appropriate for that site.

25  
26 Councilmember Subin,  
27 That answers my question.

28  
29 Council President Leventhal,  
30 Okay, are you yielding your time, Mr. Subin?

31  
32 Councilmember Subin,  
33 Yes.

34  
35 Council President Leventhal,  
36 Mr. Levchenko, do you have a comment you wanted to make? Well, there's a lot of lights  
37 on, but he had a germane point, and he's been staffing this. And then I will call on all  
38 Councilmembers who have lights on. Mr. Levchenko.

39  
40 Kevin Levchenko,  
41 My question for MCPS was not on the expenditure piece, which we have an estimate that  
42 the working group put together that's our best guess as to what a design/build would cost.  
43 And we'll certainly know when those bids go out. My question was an appropriation  
44 question, as to when we would have to appropriate the costs for that project, whether it



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1 would be a two-stage appropriation or whether it would all have to be as part of this action  
2 today.

3  
4 Richard Hawes,

5 It would have to be part of this action. Basically we're going to put out an RFP to  
6 contractors that says here's the plans, we want you to build them on Seven Locks and  
7 guarantee that you have them done by December, 2008. In order for us to meet the 2008  
8 time frame we're going to have it get out on the street immediately.

9  
10 Kevin Levchenko,

11 What that means is Councilmember Denis' amendment, which has one set of numbers in  
12 it developed several months ago, would be revised based on our latest assumptions which  
13 were from the working group report of a design/build approach.

14  
15 Council President Leventhal,

16 Fine, but as with all the matters we're considering now we're tentatively approving the  
17 construction of a CIP that would be finalized in a couple weeks. We can send guidance.

18  
19 Kevin Levchenko,

20 That is a choice you can have too. But right now the amendment before you is an '05  
21 through '10 amendment, it would move immediately. They could go out for bid tomorrow if  
22 they were ready based on today's action. You could also decide to make this an '07  
23 through '12 action. You would lose six weeks of time in the schedule. That would perhaps  
24 add a little more risk to the project.

25  
26 Council President Leventhal,

27 All right, well, the amendment before us now then is an amendment to the '05 through  
28 2010 CIP. I'm calling on Mr. Denis followed by Mrs. Praisner.

29  
30 Councilmember Denis,

31 Thank you Mr. President. In my time line, as I referred to before, number two, there was a  
32 feasibility study done in January of '02, of a feasibility study that had Seven Locks rebuild  
33 as the preferred option. I just want to make that point. There is a study that you already  
34 have that is three and a half, four years old. And I also want to try to focus respectfully try  
35 to focus the Council's attention on what it is we're voting on, which is on circle 17 of the  
36 packet, the Seven Locks replacement. And I would like to ask rather than try to  
37 characterize, at least let me characterize as I understand it. If this is voted on and  
38 approved we could or we would have to come back at a later time to revise the numbers.  
39 And I ask you, Keith, as not only our staff, but as a member of the working group, that  
40 efforts have been made, would be made with project details that would reduce the cost  
41 and where would we be should we pass my amendment in terms of those further  
42 requirements?

43  
44 Kevin Levchenko,



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1 Well, your amendment originally assumed a 740 core. That would be the first change that  
2 we would talk about. Now the working group information did already look at 740 versus  
3 640, so we have some total project cost information for that. So some other scope  
4 changes that I know your staff has discussed included whether the initial number of  
5 classrooms could be reduced as well from that based on the number of students that  
6 would be coming from Potomac and the number of students at Seven Locks. So that  
7 might further reduce the initial capital cost, but that has not been ironed out. I guess the  
8 bigger issue is how quickly we move forward with this. I think if the Council -- perhaps the  
9 best thing to do today would be, if the Council supported this, to straw vote this and then  
10 we would come back in a timely manner with a PDF that reflected the Council's straw vote  
11 today, including updated numbers and scope. And then that could be acted on still as an  
12 '05 through '10 amendment, but perhaps next week. The other option is you could defer  
13 this to as an '07 through '12 action. Just table this amendment and deal with it as part of  
14 your '07 through '12, but as Mr. Hawes mentioned, you lose scheduling time that could  
15 affect the success of the design/build project. You would lose six weeks of time because  
16 you wouldn't be affected 'til July 1st.

17  
18 Councilmember Denis,

19 Do we lose anything, or if we lose anything, what is it, by passing this motion at this time?  
20 Are we precluded -- I understand from what you are saying that we are not precluded from  
21 making additional changes to this item in a very short period of time.

22  
23 Kevin Levchenko,

24 What I'm suggesting is rather than formally pass it today the Council give guidance to staff  
25 to develop a final project that you would act on next week.

26  
27 Councilmember Denis,

28 Okay. In other words that is what you mean by the straw vote?

29  
30 Kevin Levchenko,

31 Yes.

32  
33 Councilmember Denis,

34 Okay, Kathleen did you have anything -- Ms. Boucher, do you have anything else to add  
35 to this?

36  
37 Kathleen Boucher,

38 No, I think if it's a Council majority position, we can work out the legal technicalities.

39  
40 Councilmember Denis,

41 Okay. Mr. President, if that's acceptable to you as the seconder, maybe we can make this  
42 a straw vote and return.

43  
44 Council President Leventhal,

45 Straw vote for the '07 through 2012.





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1  
2 Kevin Levchenko,  
3 It's a straw vote on the concept of Councilmember Denis' amendment which is to build a...

4  
5 Council President Leventhal,  
6 A school at Seven Locks, on-site.

7  
8 Kevin Levchenko,  
9 ...an organization at Seven Locks on the time frame he's listed here.

10  
11 Council President Leventhal,  
12 Okay.

13  
14 Kevin Levchenko,  
15 The problem we have is we don't have the exact numbers before us. We don't have an  
16 updated PDF for you on that.

17  
18 Council President Leventhal,  
19 That's fine. Are we voting, is this a six-vote vote, or is this a five-vote vote?

20  
21 Councilmember Denis,  
22 Six.

23  
24 Kathleen Boucher,  
25 Councilmember Denis' amendment is to the '06 budget as a special appropriation and to  
26 the '05-'10 CIP, it's a six-vote vote.

27  
28 Council President Leventhal,  
29 It's a six-vote vote.

30  
31 Councilmember Denis,  
32 That's been my understanding, too.

33  
34 Council President Leventhal,  
35 Martha Lamborn has an urgent point to make.

36  
37 Martha Lamborn,  
38 I'm really sorry.

39  
40 Councilmember Silverman,  
41 Yes, we are all really sorry. What I want to be sure that you understand though is if you  
42 vote now and appropriate now and under appropriate, then they can't sign a contract  
43 anymore than if you take no vote.

44  
45 Councilmember Denis,



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1 That's why it's a straw vote.

2  
3 Council President Leventhal,  
4 Right, this is a straw vote. Okay. There are still...

5  
6 Martha Lamborn,  
7 Be sure you get the number right.

8  
9 Council President Leventhal,  
10 There are still lights on to speak to the motion. Mrs. Praisner is next.

11  
12 Councilmember Praisner,  
13 Again, I want to be clear. My support for this motion is associated with two things, 1:  
14 Seven Locks remaining as a school, the building, Seven Locks growing in size. At some  
15 point in this process as the staff looks at this issue, I think the question of the timing and  
16 how much funds are appropriated in what year and the assignment of students to that  
17 larger school is a Board of Education issue, not a County Council issue. The Planning  
18 Board, since we last met, has been very clear about their view of the Kendale site, that  
19 was dispositive from my view about the use of Kendale. The concern about how we  
20 approach this issue is one of trying to work through with folks as much as we can how we  
21 come back to a solution that responds to facility issues as well as Board policy as I  
22 remember it in the facility plan policy which speaks to the general intent of the Board to  
23 build schools of a certain size. And if it may have been modified to 650 and 720 -- I  
24 believe the last time I saw a facility policy, although obviously it's been amended to strip a  
25 lot of it out, there were references to both size of buildings and an intent to have a general  
26 number of students per grade as the concepts. Are those still there?

27  
28 Unidentified Speaker,  
29 Yes, it is.

30  
31 Councilmember Praisner,  
32 All right, so both size of school is a goal and the general intent of number of classes at a  
33 certain grade level still remain in the facility policy. I consider this vote a sustaining of the  
34 Board of Education's policy and also a partnership from the County Council perspective  
35 with our authority. It is with that intent as a straw vote that staff will have to define what  
36 dollars go where and in what year and when the ultimate key turning for Mr. Denis' lock,  
37 from a standpoint of when the building would be occupied, or how it would be occupied is  
38 still something that needs to be worked through.

39  
40 Council President Leventhal,  
41 Ms. Floreen.

42  
43 Councilmember Floreen,



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1 Well, as I understand the issue before us, we're voting on a the priority or the decision to  
2 go forward with a 640-seat elementary school at the corner of Bradley Boulevard and  
3 Seven Locks Road, right? Number one.

4  
5 Kevin Levchenko,  
6 A 640 core facility. The number of seats is one of the issues staff would want to work out  
7 over the next week.

8  
9 Councilmember Floreen,  
10 The dollars -- currently we've appropriated \$13 million plus according to circle seven of  
11 your memo for today, Keith, for Seven Locks, right? \$13.324 million, we've appropriated  
12 that much, that's what it says.

13  
14 Kevin Levchenko,  
15 A certain amount has been appropriated.

16  
17 Councilmember Floreen,  
18 We've appropriated that. The staff analysis in the group report to replace Seven Locks by  
19 2008, which I believe is Mr. Denis' effort here, that is part of this motion, isn't it, Mr. Denis?

20  
21 Councilmember Denis,  
22 It is what it is.

23  
24 Kevin Levchenko,  
25 Option 2a is the equivalent.

26  
27 Councilmember Floreen,  
28 This is basically option 2a. I just want to be clear, the number, at least the tentative  
29 number for 640-seat core is \$19.9 million based on the staff work.

30  
31 Kevin Levchenko,  
32 That assumes the 640 core and I believe 520 seats.

33  
34 Councilmember Floreen,  
35 That accommodates all the Potomac children?

36  
37 Kevin Levchenko,  
38 Right.

39  
40 Councilmember Floreen,  
41 I just wanted to clarify that point, because I think associated with Mr. Denis' resolution, it  
42 shows an \$18.7 million number. So what number -- I understanding that there is some  
43 movement in that number.

44  
45 Kevin Levchenko,



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1 Staff would recommend that if we're assuming the design/build approach which is what  
2 the working group felt was the most feasible way to get the project on the expedited  
3 schedule, you should assume those numbers in the working group report. We don't know  
4 what numbers ultimately will be, because it has not been bid yet.

5  
6 Councilmember Floreen,  
7 The staff work on this really increases the draft PDF I guess it is on circle 17 for today  
8 from 18.7 to 19.9?

9  
10 Kevin Levchenko,  
11 Right, the only caveat I have is that there have been discussions I know prosecute  
12 Councilmember Denis to looking at the number of seats to be constructed. That would  
13 reduce the cost.

14  
15 Councilmember Floreen,  
16 That could go down. So but basically we're looking at a change from 13 million to between  
17 18 and 19 million that was Mr. Hawes' point earlier? Is that right, Mr. Hawes?

18  
19 Richard Hawes,  
20 Yes.

21  
22 Councilmember Floreen,  
23 I'm just going to say I think this is too large a school for this site. I don't think it satisfies the  
24 community's real concerns about community character and I don't think it achieves what  
25 they've been asking us for. Thank you.

26  
27 Council President Leventhal,  
28 Mr. Silverman.

29  
30 Councilmember Silverman,  
31 Thank you Mr. President. Okay. I was prepared to support a new Seven Locks on Seven  
32 Locks as an alternative to Kendale. But you know what, that was before I actually took a  
33 look at the capacity issues of Bells Mill. If we were having this discussion right now, not  
34 five years ago, but right now, we would be saying "Oh my God, what are we going to do  
35 about the overcrowding at Bells Mill?" Because their numbers are literally off the chart.  
36 And you know, I'm a little sensitive to that because it took eight years for a new school to  
37 get built to relieve overcrowding at Crest Haven. But I made a commitment to the folks in  
38 Potomac and I don't think we should back off of that commitment. And the commitment I  
39 made was to relieve their overcrowding, but now we have a new player in the game. And  
40 you know, some people may say, "Well, guess what, they're whining, and you know we  
41 should not reward whiners. Where were the Bells Mills parents at another point in time?" I  
42 really don't care about that. What I care about is the following: I'm not going to vote to  
43 accelerate Bells Mills modernization unless it is to relieve overcrowding at Potomac  
44 because there is no justification to do it. It is queue jumping, pure and simple. Is it an  
45 overcrowded school? You bet. But there is no way that we with a straight face can support



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1 accelerating the Bells Mills modernization simply because it's overcrowded. On the other  
2 hand, if we sit there and say the reason to accelerate Bells Mill is to relief overcrowding at  
3 Potomac, then all we've done is substitute Seven Locks and Bells Mill. So the question  
4 here is if you support the motion that Mr. Denis has, I don't believe there are going to be  
5 six votes to relieve overcrowding at Bells Mill by accelerating their modernization. I don't  
6 even know if there will be five votes. So you're going to leave them hanging out there.  
7 Now, the folks in Seven Locks years ago when the Kendale option many of them said,  
8 "You know, we really like the size of our school." And if we go ahead and look at option  
9 seven which Mr. Levchenko has put on the table, the Seven Locks community gets where  
10 the Seven Locks community was a few years ago. You don't go to Kendale, you keep a  
11 small school. You stay on your MOD schedule. And by the way, we avoid what you know I  
12 would absolutely consider to be a constitutional crisis here of who has got legal authority.  
13 But you know what, we can set aside the legalisms, this is all at this point about what the  
14 School Board wants to stick it to us, whether we want to stick it to the School Board,  
15 whether we care about Bells Mill, whether we care about Seven Locks, whether we care  
16 about Potomac. Guys, there is actually a way out of this. But I would like to actually hear  
17 from the School Board as to what they think the way out of it is. But there is a clear path  
18 here. The clear path is to modernize Bells Mill a year earlier, have the Potomac parents go  
19 there, leave Seven Locks the small school that it was, and move on. And we'll see where  
20 things play out, but you know what it doesn't require people to win or to lose. And so I'm  
21 not going to support Mr. Denis' motion, because it does in fact require winners and losers  
22 and it isn't going to do a thing to deal with the incredible overcrowding at Bells Mill.

23  
24 Council President Leventhal,

25 I'm going to speak as a Councilman and I'm going to respond to my good friend Mr.  
26 Silverman. I would have been delighted to have asked the School Board to give us a  
27 recommendation that would, in good faith, accommodate the legitimate concerns of the  
28 three schools currently under discussion. To my observation over the last several months,  
29 the School Board has operated in bad faith again and again and again. I have the minutes  
30 of the Potomac Elementary School PTA, March 16th, at which Mr. Kelsch, the Community  
31 Superintendent, as stated in the minutes stating that the Potomac Elementary School has  
32 a shot for us and Bells Mill to move up in the queue. Clearly the suggestion is made that if  
33 the Potomac Elementary School were to change its position on Kendale they would get  
34 rewarded.

35  
36 Council President Leventhal,

37 I have a message from a constituent, we'll find out whether it's true or not, constituents  
38 asked Mr. Abrams why he had turned against the community. Mr. Abrams said to Seven  
39 Locks parents, "Your school is gone. You lost my support when someone in your  
40 community went to the I.G. I advised you not to raise your issues in a larger way." By this  
41 way Mr. Jeffrey Wolf who is the husband of one of the Seven Locks coalition leaders,  
42 joined in my conversation. Mr. Abrams told Mr. Wolf that his wife was the one that sent the  
43 information to the I.G. and that our school was gone. It has been abundantly clear to me --  
44 it has been abundantly clear to me...



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1 Stephen Abrams,  
2 [INAUDIBLE]

3  
4 Council President Leventhal,  
5 I have the -- Mr. Abrams this is the County Council, if I have to call security and have  
6 speakers removed, I'll do it. I will call on speakers, they'll be recognized.

7  
8 Multiple Speakers,  
9 [INAUDIBLE].

10  
11 Council President Leventhal,  
12 The School Board to my observation has not operated in good faith on this matter for  
13 many months, so now clearly the question before us is having stated that the \$3.3 million  
14 is not available to finish the Kendale site will they go ahead and spend money anyway?  
15 Will they go ahead and execute contracts anyway to prove that they were right? And so I  
16 don't have faith at this point that an open and honest effort to accommodate all needs will  
17 be made. I asked the Superintendent and the President of the Board to work on a new  
18 approach. And that's what the statement that we all signed, the Superintendent asked me  
19 to sign my name to it and I did, a new approach to relief overcrowding in the Churchill  
20 cluster. What we came up with was, guess what, the Kendale site, the Kendale site the  
21 Kendale site. We're all so certain that the Kendale site is better. I've looked at the Kendale  
22 site. I've looked at the Seven Locks site. The Seven Locks site is larger. We've heard  
23 asserted here firmly that you can't build a larger school on a larger site you can only build  
24 it on a smaller site. There are -- the School Board is so intent on proving that it was right  
25 all along that I have to confidence that it won't come back yet again with the option that  
26 has now on the record been rejected by the County Council. And I would like to know  
27 between now and July 1st can the School Board go ahead and execute contracts for the  
28 construction of the Kendale site with the \$14 million that's in the CIP? Can it do that, Mr.  
29 Levchenko?

30  
31 Kevin Levchenko,  
32 They can't move forward with a 640 core school at that site. They would need to  
33 renegotiate with the contractor on a very different project to accommodate the  
34 appropriation they've gotten to date. That's just from a practical standpoint. I don't know  
35 legally if the fact that the PDF has been adjusted now, whether that controls the  
36 appropriation that was already given to them. That's a legal issue.

37  
38 Council President Leventhal,  
39 So I don't have at this moment a strong view as to whether option seven as proposed by  
40 Mr. Levchenko, which was never reviewed in detail by the Task Force and on which we  
41 have not had a public hearing, is as some of my colleagues are suggesting is a better  
42 approach than Mr. Denis' option, which was reviewed by the task force and for which  
43 we've heard abundant public testimony in support, and some testimony in opposition. I  
44 don't have a strong view of that. I would love to be able to at this point, having made it  
45 clear already on the record that we do not support the Kendale option for the School





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1 Board to come back to us with an option that actually addresses overcrowding in the  
2 Churchill cluster, a new approach to overcrowding in the Churchill cluster. We have yet to  
3 see that from the school system. We did not get that from the working group that I  
4 suggested, which was created for the purpose of coming up with a new approach to  
5 overcrowding in the Churchill cluster. What we got was the School Board insisting that it  
6 was right all along and that it's critics are wrong. If we thought by asking the School Board  
7 now would we in fact get a new approach that would actually address the overcrowding  
8 issues in a new way I would be delighted to hear a new approach. That's what I thought  
9 we were going to get some months ago. Instead we got the same approach, the same  
10 insistence that the School Board is right and it's critics are wrong. Chairman Subin has a  
11 light on.

12  
13 Councilmember Subin,  
14 Has anybody thought about the Falls Road Golf Course? That would be like Sligo Creek.

15  
16 Multiple Speakers,  
17 [INAUDIBLE]

18  
19 Councilmember Subin,  
20 What do you think? Do we have time to look at it?

21  
22 Councilmember Praisner,  
23 Why not?

24  
25 Councilmember Subin,  
26 I am going to vote against the motion for several reasons. First of all, on the issue of  
27 queue jumping, I think we need to be intellectually honest here. If the suggestion is that  
28 Bells Mill shouldn't go forward because it's jumping the queue, then Seven Locks, whether  
29 it's on Seven Locks or Kendale, shouldn't move until 2009. There is your consistency. If  
30 you can do it for one, you can certainly do it for the other. There are also a number of  
31 issues here and like Mr. Silverman, I think the last thing that I'm interested in is a  
32 constitutional crisis here or charter crisis, a state constitutional crisis, over who has got  
33 more power. Frankly, folks, Mr. Knapp and I are the only ones up here and I know Mr.  
34 Hawes is, who understands what real power can do. Three of us have been there and we  
35 -- it's not our intent to go back. And this is going to be power where the victims are  
36 children. Who has the power to force? Who has the power to reject? This is not a happy  
37 day. The Committee did try to do what the Council President suggested and, in all candor,  
38 it was able to get to the point that it did in looking at a cluster-wide solution because the  
39 board looked at a cluster-wide solution in the balancing out of the school population. Now  
40 we may or may not agree with what they did. One may or may not be able to live with the  
41 bottom line of where they came out on that. And that is perfectly legitimate. But I think we  
42 need to understand and appreciate that they did move, that the plan that came out  
43 Tuesday from the Board and was refined further by the Committee yesterday did show  
44 some movement. I'm not prepared to vote for a plan right now where the Board has said  
45 outright that this will not accommodate, at the end of the day, the needs of the children at



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1 Potomac, which I remind you that was the trigger seven years ago of how we got here.  
2 How do you bring relief to the overcrowding at Potomac? The solution that is on the table  
3 says one of two things, either we don't do it or we end up in court. And even if you can do  
4 it, you can't, on July 1st, pickup the plans for the Kendale facility and put them on the  
5 Seven Locks site. You have no permits environmental or otherwise. You have no state  
6 approval to do that. And all of that is going to mean a minimum one-year delay. So it is  
7 going to be one more year that the cluster issues are not addressed. I believe the intent of  
8 Mr. Silverman earlier to table this was an opportunity to go use a Sligo Creek Golf Course,  
9 was an opportunity to take what the Committee did yesterday and hand it back to the  
10 Board, tell them to come back with a cluster-wide solution. I've been told that the Potomac  
11 youngsters would not or could not go to Bells Mill. I don't know the answer to that right  
12 now. I know it has been a consistent that won't work both from the system and the folks at  
13 Potomac. And I have no reason to believe it will work right now. Even if it could, I have no  
14 reason to believe that it will. So we're left without a solution for Potomac. We're left without  
15 a solution for Bells Mill. And we're left with an inconsistent set of decisions which says that  
16 two facilities placed in a similar situation are treated differently. One doing it is not queue  
17 jumping, the other is. It is or it isn't. You know, we can define it whatever way we want.  
18 Let's be consistent. I will vote against the motion on the table. It is not the cluster solution  
19 that we've been looking for.

20  
21 Council President Leventhal,  
22 Okay. Mrs. Praisner.

23  
24 Councilmember Praisner,  
25 Just a little clarification. Was not the board of education's original request for a feasibility  
26 study to add capacity at Seven Locks?

27  
28 Richard Hawes,  
29 I have to give just a little bit of history on that one, Ms. Praisner.

30  
31 Councilmember Praisner,  
32 Was it not.

33  
34 Councilmember Silverman,  
35 It's not going to be yes or no.

36  
37 Councilmember Praisner,  
38 It never is.

39  
40 **Councilmember Silverman,**  
41 Yes or no, Mr. Hawes?

42  
43 Richard Hawes,  
44 We have to remember...



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1 Councilmember Praisner,  
2 I'm not a lawyer. I'm not running for state.

3  
4 Richard Hawes,  
5 Remember it was a joint decision.

6  
7 Councilmember Praisner,  
8 No, I understand that. But the board did not say, "No it will not work." It said they were  
9 okay with a feasibility study and with the process to add space at Seven Locks.

10  
11 Richard Hawes,  
12 And the original feasibility study came out with a plan to build a 640 capacity school on  
13 that site. What the board is saying now we have a better alternative.

14  
15 Councilmember Praisner,  
16 I understand the alternative. The question of whether that topography and that land, given  
17 the board's judgment on capacity of buildings, which is the facility policy, and the Planning  
18 Board's comments about the geography and the mandatory referral. And in essence what  
19 a majority of the Planning Board members said is Kendale is not their preference for use  
20 as a school. So -- and Kendale, as a school-owned property, sat there for a long time. And  
21 there is a reason why we have sites that have sat for a long time and not been developed,  
22 because they are not the best site. Look at "Bon Mill," Bowie Mill, excuse me. There are  
23 lots of County owned land that the school system owns that either developers have given  
24 or has been bought that in the long run with environmental issues turn out to be not the  
25 best sites. Let me just go through this though. If you billed and you were originally  
26 requesting a 650 capacity school at Seven Locks, my understanding is that the need for  
27 Potomac is about 120 student relief, correct? The enrollment at Seven Locks is 250 or so,  
28 correct?

29  
30 Richard Hawes,  
31 That's correct.

32  
33 Councilmember Praisner,  
34 That gets you at 360 which leaves capacity for say 200, which is relief for Bells Mill, is it  
35 not?

36  
37 Richard Hawes,  
38 Well...

39  
40 Councilmember Praisner,  
41 Could it not be?

42  
43 Richard Hawes,  
44 Certainly the numbers work that way.



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1 Councilmember Praisner,  
2 Thank you.

3  
4 Council President Leventhal,  
5 So a 640 core school on the Seven Locks site could **relieve** overcrowding at Bells Mill and  
6 Potomac, is that correct?

7  
8 Richard Hawes,  
9 If you look at the numbers, Mr. Leventhal, we can't argue with the numbers, but you'd  
10 have to have a cluster-wide boundary study to make that decision. And you'd really be at  
11 option 5a that the task force looked at.

12  
13 Council President Leventhal,  
14 No you wouldn't, option 5a involved closing Seven Locks School.

15  
16 Richard Hawes,  
17 No, no. Option 5a was -- no, excuse me 5b. 5b was five schools at about the same  
18 capacity, okay, Isn't that correct, Keith? 5b was five schools about the same capacity.

19  
20 Council President Leventhal,  
21 Did It not call for closing Seven Locks School, Keith?

22  
23 Kevin Levchenko,  
24 There is a 5a and a 5b, I can't remember which...

25  
26 Council President Leventhal,  
27 Did they not both either call for clearly imply.

28  
29 Kevin Levchenko,  
30 One was a four school solution, the other was a five school.

31  
32 Richard Hawes,  
33 And it didn't say Kendale or Seven Locks. You'd be back to 5b, which is a cluster-wide  
34 boundary study trying to even out the enrollment in all of the schools.

35  
36 Council President Leventhal,  
37 Would you not have to do a boundary study under the Kendale situation? Wouldn't you  
38 have to figure out what the boundaries were for Potomac and for...

39  
40 Richard Hawes,  
41 All you have to do is figure out which kids were going from Potomac into Seven Locks.

42  
43 Kevin Levchenko,  
44 The issue with why you would move Bells Mill to Seven Locks, is you have a  
45 modernization at Bells Mill, you're voting it to a 640 core. Would you move them purely to



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1 balance capacity? 'Cause that's what you'd be doing. You could reduce marginally the  
2 seats at Bells Mill. But normally you'd be moving students out of a facility where you  
3 wouldn't be adding capacity otherwise.

4  
5 Council President Leventhal,

6 Okay. Well, let's I'd like to figure out where we are. There are still lights on. But the Denis  
7 amendment now pending requires six votes to pass. And it would help I think if the Council  
8 clarified it's sense on this. There are still lights to speak to the Denis amendment but we  
9 may be able to vote fairly soon. Ms. Floreen.

10  
11 Councilmember Floreen,

12 Thank you. Just wanted to clarify something else, when we talk about capacity, are we  
13 talking about capacity to simply service the children understand dard programs within the -  
14 - throughout the school system? Or are we talking about the other programs that are  
15 located in those schools, Dr. Haughey?

16  
17 Dr. Charles Haughey,

18 As we plan and build new schools, we're looking for each new school to be a  
19 comprehensive school to accommodate a wide range of students and wide range of  
20 programs.

21  
22 Councilmember Floreen,

23 Well, for example, I know Potomac has Chinese Submersion Programs which makes up a  
24 certain number of classrooms. Bells Mill, I believe it has some special education  
25 programs, which also takes up some classrooms. Seven Locks, do they have additional  
26 programs?

27  
28 Dr. Charles Haughey,

29 I'm not sure. I don't believe so.

30  
31 Richard Hawes,

32 We can find out.

33  
34 Councilmember Floreen,

35 No, according to the PTA. So there are a variety of trade-offs, community serving  
36 solutions that work into the mathematical analysis of core requirements and of how many  
37 seats you really need. You try to be responsive to what the community has asked for. You  
38 try to minimize the issue of boundary changes. You try to address school initiatives such  
39 as reduced class size, all-day kindergarten. All those elements play into whether you have  
40 a portable or not, whether you're at a capacity number or not. Isn't that true?

41  
42 Dr. Charles Haughey,

43 That is correct. And when we do this on planning for a new facility, we're also looking at  
44 cluster-wide demand for things like special program services.



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Councilmember Floreen,

So that is part of the issue in terms of how you analyze how many classrooms you might -- in a world that you can afford construct to address needs of today, current commitments to community requests, and what you perceive as initiatives that are coming up. So I think we have to be careful about focusing entirely on the numbers, both in terms of seats, both in terms of fiscal capacity, I say to the Inspector General, both in terms -- and as well as in terms of initiatives. Not to mention community character, which I think is equally important. I think it's of importance to the Seven Locks community. The issue of safety is an equal importance if not greater for the Bells Mill community, is it not?

Dr. Charles Haughey,

It is indeed, yes.

Councilmember Floreen,

So there is no bright line solution to how you calculate need and capacity. I think that's really important for us to consider as we work through this. And I have to say I support -- I think what's been clear in this conversation to date is that this Council is not going to support a new school on the Kendale site. There is a stake, there are Seven Locks against this and the Kendale site at this point in time. Do we know the right solution today? I don't think we do.

Dr. Charles Haughey,

I surely do not. You're giving us marching orders to go look at circumstances and I am not capable of predicting where they'll take us.

Councilmember Floreen,

The only thing I know at this point in time is that the County Council has delayed capacity relief in the Churchill cluster for at least one year. Is that an accurate statement, by not going ahead with the Kendale property?

Dr. Charles Haughey,

Correct.

Councilmember Floreen,

That opportunity is delayed at least a year. That's the only thing we've done today so far. And we won't have predictability as to the cost of any other solution for some time.

Kevin Levchenko,

Many weeks.

Councilmember Floreen,

Pardon me?

Kevin Levchenko,

Many weeks, a couple months before we have any certainty.





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1  
2 Councilmember Floreen,  
3 If you were to put out a bid today, Mr. Hawes, for a Seven Locks Replacement School, do  
4 you know what you would put in the requirements at this point?

5  
6 Richard Hawes,  
7 Uh-huh. We would take the Kendale project and move it over to the Seven Locks site.  
8 Reduce the core to 640, if there were any other reductions we'd have to include that in the  
9 contract.

10  
11 Councilmember Floreen,  
12 When would you know that? How many other reductions?

13  
14 Richard Hawes,  
15 We already know what the core reduction are. Those were in the numbers. We did one for  
16 740 and one for 640. We estimated what the classroom cost reduction would be if you  
17 took out classrooms. Again you all you won't know 'til you get the numbers from the  
18 design/builders.

19  
20 Councilmember Floreen,  
21 When would you get a response to your RFP?

22  
23 Richard Hawes,  
24 If the board wanted to pursue this approach it would probably take us two months to get it  
25 out and get the response, get it evaluated, and get a recommendation.

26  
27 Councilmember Floreen,  
28 So you would get a number, a cost number, in July you think?

29  
30 Richard Hawes,  
31 Uh-huh. If we started right now.

32  
33 Councilmember Floreen,  
34 If you started today.

35  
36 Richard Hawes,  
37 I'm saying its going to take two months from the time the Board would make the decision  
38 to do that.

39  
40 Councilmember Floreen,  
41 To get an answer.

42  
43 Dr. Charles Haughey,  
44 Remember, one of the delays is the board will have to have an opportunity to act on  
45 whatever comes out of today's meeting. Mr. Hawes can't go home and issue an RFP.



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1 Richard Hawes,

2 I also have to remind everybody again, we used the lowest number that we got. Our  
3 numbers may be on the low side.  
4

5  
6 Councilmember Floreen,  
7 Okay. Thank you.  
8

9 Council President Leventhal,  
10 Chairman Subin.  
11

12 Councilmember Subin,

13 You know there was an objection earlier, and not an illegitimate one at that, that these  
14 issues have just come up within the last couple of days and that this plan is being put  
15 forward without public hearing. We've now complicated that because for the very first time  
16 a flag has been raised about moving youngsters from Bells Mill to Potomac and -- or to  
17 Seven Locks, I'm sorry, and there is nobody here from Bells Mill to discuss that. So one of  
18 the assumptions behind the plan on the table now is that that could be done. And "A," we  
19 don't know if it could be done, I think Ms. Floreen's points were on target and we have no  
20 input from Bells Mill. Go back to Mr. Silverman's earlier suggestion that take the fact Ms.  
21 Floreen has said clearly the Council has voted not to go to Kendale. It has sent that very  
22 clear message to the board, and that there are other issues that need to be discussed and  
23 see what we can come up with. And looking at all those points and give the Board and the  
24 Superintendent the opportunity to talk to all the affected communities. Because there is no  
25 cluster-wide solution on the table right now. There is none.  
26

27 Council President Leventhal,

28 Very good. We seem to be ready to vote then. And Mr. -- No, I think Mr. Subin's point is  
29 very well taken. As I understand the situation, we'll see if I'm correct, there is a majority of  
30 the Council as of right now that is prepared to vote for the Seven Locks on Seven Locks,  
31 however you need a six-vote majority to do it in '06. The motion before us now is to do it in  
32 '06, is to move ahead with Seven Locks on Seven Locks in the current, the existing fiscal  
33 year. Those in favor of Mr. Denis' motion will signify by raising their hands. It is Mr. Denis,  
34 Mr. Andrews, Mrs. Praisner, Mr. Perez, and myself. Those opposed to doing it in '06 will  
35 signify by raising their hands. It is Mr. Knapp, Mr. Silverman, Mr. Subin, and Ms. Floreen.  
36 The motion has a majority but fails to pass because it would have required six votes.  
37

38 Councilmember Denis,

39 Mr. President, I have a two-part motion, I would like to make my Seven Locks option for  
40 FY '07, which would require five votes and ask that that motion be tabled until we meet  
41 again.  
42

43 Councilmember Subin,

44 No, It would still requires six. It's still an amendment it still requires six.  
45



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1 Council President Leventhal,  
2 Okay. Let's clarify, this would be a new project in the FY '07 CIP which is now pending  
3 before the Council, a CIP which would begin July 1 of calendar '06. And that would be a  
4 five-vote motion. Am I correct?

5  
6 Kevin Levchenko,  
7 It's a change to the existing project that's in the CIP now it would be an '07 through '12  
8 action, part of your broad CIP actions this year. That's five votes.

9  
10 Council President Leventhal,  
11 This would be a five vote motion. Mr. Denis is proposing that vote take place next week.

12  
13 Councilmember Denis,  
14 At the pleasure of the chair. Next week if possible.

15  
16 Council President Leventhal,  
17 Okay. I am happy to go along with that if -- well the motion hasn't been made yet.

18  
19 Councilmember Denis,  
20 I make the motion. It's a two-part motion.

21  
22 Council President Leventhal,  
23 You're now moving that we go ahead with the Denis amendment in '07 and I will second  
24 that.

25  
26 Councilmember Denis,  
27 And to table that motion until next week.

28  
29 Council President Leventhal,  
30 You're now moving to table that until a time to be scheduled by the Council President.

31  
32 Councilmember Denis,  
33 Correct.

34  
35 Council President Leventhal,  
36 And I will second that. Those in favor of the motion to table this matter until next week will  
37 signify by raising hands. It is Mr. Andrews, Mr. Perez, Ms. Praisner, Mr. Denis, Chairman  
38 Subin, Mr. Silverman, and myself. It is unanimous and so we will resume discussion at a  
39 time to be scheduled next week. Now, I think at this point, given that we are meeting our  
40 colleagues in Prince George's County at 3:00 p.m., we're going to need to recess the  
41 Council until Monday morning. So the Council will reconvene with the Prince George's  
42 County commissioners at 3:00 o'clock at the WSSC headquarters in Laurel.